BUSH SPIES ON YOU

The Nation.

BUSH'S HIGH CRIMES
The Editors
David Cole
Jonathan Schell

BITTER STRIKE AT NYU
Scott Sherman

EUROPE AND ITS SPECTERS
Charles S. Maier

BRAVE NEURO WORLD

THE ETHICS OF THE NEW BRAIN SCIENCE

Kathryn Schulz

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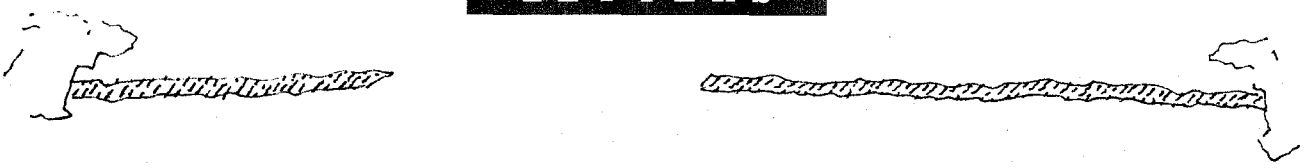
LETTERS



R. O. BLECHMAN

TENNESSEE'S HEALTHCARE CUTS

Rochester, NY

■ Trudy Lieberman's article on TennCare cuts, "Mismanaged Care" [Dec. 12], should bring national attention to a shameful act. If readers would like to see the faces of some of those cut off—including, most likely, some of the 3,311 people that the state has effectively sentenced to death—they should take a look at Joon Powell's superb "Faces of TennCare" portraits at www.joonpowell.info/tenncare.html, the personal project of a gifted young photographer. MICHAEL STEINBERG

SHOW ME THE WOMEN!

Philadelphia

■ I was excited to receive your Fall Books issue [Dec. 5]—until I opened it, that is. You have reviewed twenty books by men and only one book by a woman! How is it possible that you didn't find this troubling before the issue was published? This is an even worse ratio—I believe—than last year's issue. I find it very discouraging. ELIZABETH ANDERSEN

NO SWEAT STUDENTS

San Bernardino, Calif.

■ I was pleased to see Richard Appelbaum and Peter Dreier's "Students Confront Sweatshops" [Nov. 28] describing the United Students Against Sweatshops Designated Supplier Program. I am proud to let *Nation* readers know that the California Faculty Association (SEIU/AAUP/NEA), representing all faculty on the twenty-three campuses of the California State University, has adopted a resolution of support and assistance for the USAS campaign in the CSU (the nation's largest public university). We urge other university unions and organizations to adopt similar resolutions supporting USAS's campaign to set a new standard in the apparel industry. In union, TOM MEISENHELDER

Co-chair, Ad Hoc Committee on Peace and Justice
California Faculty Association

LYING, NO-GOOD 'GERM BOYS'

Brisbane, Calif.

■ Jeremy Scahill, in "Germ Boys and Yes Men" [Nov. 28], distorts the truth about efforts to better secure the nation against a bioterrorist attack. The article questions why the government gave VaxGen a contract to provide a new anthrax vaccine. The government funded the development and has now ordered a next generation anthrax vaccine from VaxGen because the product is purer, more consistent and requires half the number of doses compared with the existing product. In contrast, according to a recent *Newsday* article, the FDA reported that the existing anthrax vaccine manufactured by BioPort may have been linked to twenty-one deaths and 4,100 illnesses, including 347 termed "serious."

Scahill portrays Jerome Hauer, a former government bioterrorism official, as a courageous biodefense expert struggling to protect the American people. Yet the article fails to disclose that Hauer is a board member of and lobbyist for BioPort and that he has been aggressively trying to persuade the government to buy BioPort's anthrax vaccine.

Scahill also failed to disclose that when Hauer was still employed by the Department of Health and Human Services—before he became a BioPort lobbyist—he persuasively advocated for the development of a new vaccine instead of buying BioPort's. In February 2003, then–acting assistant secretary Hauer wrote BioPort saying, "A rigorous internal assessment of longer-term strategic options led to the decision to invest HHS funds in the accelerated development of a second-generation recombinant vaccine manufactured with modern technologies that allow the final product to be more rigorously controlled."

VaxGen is now developing and preparing to deliver this "second-generation recombinant vaccine manufactured with modern technologies." *Nation* readers were poorly served by an article that told half the story and omitted glaring conflicts of interest. LANCE IGNON

Vice president for corporate affairs
VaxGen, Inc.

SCAHILL REPLIES

Brooklyn, NY

■ It is very telling that in accusing me of "distort[ing] the truth about efforts to better secure the nation against a bioterrorist attack," Lance Ignon fails to refute—or even address—a single fact I reported about VaxGen. He doesn't address the close relationship of VaxGen's CEO to powerful decision-makers at the Department of Health and Human Services, or the fact that NASDAQ delisted the company for financial irregularities a few months before it was awarded the nearly $1 billion contract by the Bush Administration. Nor does Ignon address how his company won this contract despite VaxGen's never having successfully produced an FDA-licensed vaccine. Ignon also conspicuously avoids mentioning that Stewart Simonson, the man appointed by George W. Bush to head the nation's response to public health emergencies and who was influential in awarding VaxGen its generous contract, is viewed by many public health and disaster management professionals as unqualified.

Instead, Ignon chooses to focus on former HHS official Jerry Hauer, against whom VaxGen is currently engaged in a public relations battle. These two companies are having a fierce conflict, which has been covered substantially by the media. Had I quoted Hauer criticizing VaxGen, I would have explained his relationship with competitor BioPort, a company that has been and deserves to be heavily scrutinized and investigated. I reported about VaxGen specifically because it was awarded a whopping contract despite significant questions about the company and the award process, not to judge whether its vaccine is better or worse than BioPort's. There are many public health groups and professionals that would say neither vaccine is safe and that VaxGen's massive contract is evidence of the warped national health priorities of the Bush Administration.

JEREMY SCAHILL

'CANCER IS BIPARTISAN'

Boston

■ I serve on a federal panel that evaluates the funding merit of cancer research grant applications. To my deepening alarm, the National Cancer Institute is now able to fund only about 9 percent of the research applications it receives, but in my opinion about 60 percent are worthy of funding. This gap widened greatly after the Iraq War and Republican tax "reform" began to strain the federal budget. Some important proposals that have been denied money recently include studies of tamoxifen in women at risk for recurrent breast cancer, acute leukemia in children, links between obesity and lymphoma, prostate cancer incidence, genetic instability in cervical cancer, mechanisms of melanoma and genetic profiling studies of colon cancer. If these priorities continue, Americans not in uniform will start to pay for this war with their lives, not just with their taxes. In a decadent and reckless manner, our scientific base is being gutted, not only in unfunded specific projects but in terminated careers of cancer investigators who cannot obtain funding and must abandon their research. It will soon be time to include among the Iraq casualty lists some Americans who will be diagnosed with cancer. Connect the dots: Cancer is bipartisan. GERALD DENIS

BACK TO PEARLS FOR GIRLS?

Brooklyn, NY

■ I can't tell you what a relief it was to read Katha Pollitt's reaction to Maureen Dowd's

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EDITORIALS

Bush's High Crimes

Choosing his words carefully, George W. Bush all but accused critics of his extralegal warrantless wiretaps of giving aid and comfort to Al Qaeda: "It was a shameful act, for someone to disclose this very important program in time of war. The fact that we're discussing this program is helping the enemy." If so, the ranks of the treasonous now include leaders of the President's own party, and the *New York Times*'s revelations of illegal wiretaps foretell an earthquake. Senator Lindsey Graham, last seen carrying gallons of water for the White House on the status of Guantánamo prisoners, will have nothing of Bush's end run around the Foreign Intelligence Surveillance Act: "Even in a time of war, you have to follow the process," he said flatly. An infuriated Arlen Specter, Senate Judiciary chairman, whose good will the White House depends on in the upcoming Supreme Court confirmation of Samuel Alito, declared the President's domestic spying "inexcusable...clearly and categorically wrong" and plans hearings.

For the generations who came of age after the mid-1970s, it is worth recalling why warrantless domestic surveillance so shocks the political system. It needs to be repeated that the same arguments cited by Bush—inherent presidential power and national security—sustained the wiretapping of Martin Luther King Jr., unleashed illegal CIA domestic spying and generated FBI files on thousands of American dissidents. It needs to be repeated that in 1974, the articles of impeachment against Richard Nixon included abuse of presidential power based on warrantless wiretaps and illegal surveillance. It needs to be repeated that a few months later, presidential aides named Cheney and Rumsfeld labored mightily to secure President Ford's veto of the Freedom of Information Act, in an unsuccessful attempt to turn back post-Watergate restrictions on homegrown spying and government secrecy.

Most of all it needs to be repeated that no constitutional clause gives the President "because I said so" authority. The fact that former Deputy Assistant Attorney General John Yoo tried to concoct a laughable fig leaf out of Congress's 9/11 use-of-force resolution in no way diminishes the President's culpability. Nor does the evident collusion of a handful of Senate leaders, including minority leader Harry Reid, who was evidently informed at least partly about the spying program.

A belligerent President vowed that warrantless domestic spying will continue, whatever the letter of the Foreign Intelligence Surveillance Act or the Bill of Rights. Bush also none too subtly threw down the gauntlet to Congress: "An open debate about law would say to the enemy here's what we're going to do." But open debate is the very essence of democracy; without it, there is little to prevent a slide into authoritarianism (indeed, the ACLU has released FBI documents that indicate the bureau has expanded the definition of "domestic terrorism" to include citizens engaged in nonviolent protest and civil disobedience). Congress therefore has a solemn obligation to carry out a full investigation into these grave breaches of our constitutional liberties.

Where will the revelations end? Given Bush's repeated depiction of leakers and critics as aiding the enemy, is it a paranoid fantasy to imagine a secret-wiretap list extending to reporters and government officials? And given the palpable outrage among Republicans as well as Democrats at the President's contempt for basic constitutional law, is it impossible to imagine illegal wiretaps leading to the final undoing of the Bush presidency?

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Iraq After the Election

The large Sunni Arab turnout in the December 15 election, together with George W. Bush's speeches the same week, may have briefly changed the tenor of the debate on Iraq. But it would be wrong to conclude that the Administration's strategy is working or that this magazine's case for withdrawal is any less compelling as a result. The election does not spell the waning of popular support for the insurgency, only a new phase in the struggle that will now have both a military and a political dimension. It would also be wrong to conclude that the election will stanch the sectarian violence. In fact, it may only accelerate the drift toward civil war if the Shiite religious coalition—primarily SCIRI and Dawa—dominates the new permanent government, as seems likely, and remains unwilling to compromise with Sunnis and other Iraqis on such critical constitutional issues as federalism and the division of oil revenues.

For these reasons, now is not the time for proponents of an exit strategy to back off from pressing their case or for Congress to give the Administration's strategy more time. Indeed, now is the time for honest critics of this war and for Congress to make any future funding for American forces contingent on establishing a clear-cut deadline for withdrawal. They must do so because a withdrawal-and-diplomacy strategy is the best hope—perhaps the only hope—of ending the insurgency and averting a full-scale civil war that could draw in the region's other powers.

In his speeches Bush got it exactly backward: An American withdrawal-and-diplomacy strategy is a condition, though by no means a guarantee, for progress toward stability, not the result of it. Such a strategy is more likely to achieve the goals Bush laid out—a united Iraq with a government strong enough to deny terrorists the use of its territory and an Iraqi security force strong enough to protect its people—than is the evolving counterinsurgency strategy the Administration is pursuing. Instead, the President made the drawdown of forces contingent upon establishing stability in Iraq, although there is abundant evidence that US forces are a major factor contributing to the instability and an obstacle to the process of national reconciliation.

To begin with, a US withdrawal would do far more to end the threat of foreign terrorists in Iraq than would US military action. The election made it clear that Iraqi insurgents control the security situation in central Iraq, not foreign fighters associated with jihadi extremist Abu Musab al-Zarqawi, who denounced the election as the work of Satan and threatened anyone who voted. But extremists were unable to make good on their threats, confirming that Zarqawi and his followers are militarily insignificant. Once the United States withdraws, not only would fewer Al Qaeda–inspired fighters be drawn to Iraq but nationalist insurgents would be more likely to throw them out. They might even turn Zarqawi over to Iraqi authorities, as insurgent leaders reportedly offered to Arab League officials at the league's November conference.

Second, a US withdrawal would remove one of the principal causes of the insurgency. Polls consistently show that some 80 percent of Iraqis oppose the occupation; there likely will be an insurgency as long as US troops are occupying Iraq. Representative

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COMMENT

John Murtha is correct: Our troops have become "a catalyst for violence." Top US military commanders have acknowledged as much. They also admit that the insurgency cannot be defeated militarily. This is in part why Ambassador Zalmay Khalilzad has announced that he is willing to open negotiations with the Sunni insurgents. To be sure, withdrawal might strengthen insurgent morale, but it might also dry up their political support and deny them their nationalist and anti-occupation cause. And if reports from contacts with insurgents are true, most armed groups, excepting only Islamic extremists, are open to a negotiated settlement to the conflict—but only if there is a clear timetable for US withdrawal.

Third, the US counterinsurgency has brought Iraq to the brink of a full-scale war of growing sectarian violence, including car bombings, torture chambers and Shiite and Sunni death squads. A US withdrawal would certainly not be a guarantee against civil war, but it would change the political dynamic and remove some of the obstacles to national reconciliation. Leaders of Iraq's three main ethnic groups are not likely to make difficult compromises while the occupation continues. The Sunnis believe they can't get a fair deal as long as the United States backs the most extreme Shiite parties, and the Shiite coalition has been unwilling to make any real concessions to the Sunnis. Why should they, while they enjoy the protection of the US military? A withdrawal would shift responsibility to the Iraqis to work out their own future, to give them ownership of their political process.

Fourth, a withdrawal-and-diplomacy strategy would be more likely to elicit international involvement. Other regional and international powers who share an interest in a stable Iraq might become more engaged once they see that the country's stability is also their problem and responsibility. It is especially important that an exit strategy include a pledge against permanent US military bases and control over Iraq's oil and a reversal of the privatization of its economy. Such a strategy would also pressure Iraq's neighbors to act responsibly to police their borders and curb their allies in Iraq—especially if they were brought into a joint Arab League–UN reconciliation effort. The Arab League conference was an important step in this direction; continued and accelerated multilateral coordination, with the United States and the international community providing reconstruction assistance, would be the best guarantor of long-term stability. In particular, a US withdrawal would change the strategic calculations of Syria and Iran, which have hoped to bleed the United States to weaken its larger neoconservative project in the region.

Finally, of course, there is more at stake for the United States and the American people than Iraq itself. The war has claimed more than 2,100 American lives, left more than 15,500 wounded, demoralized and severely weakened the US military, damaged America's standing in the world, degraded our civil liberties and diverted precious resources from domestic and international needs. As we have consistently argued, the war has become the most serious threat to our national security and our international reputation. The public understands this; indeed, the growing peace movement has helped reframe the debate, forcing our leaders, however grudgingly, to recognize the need for an exit strategy to help end this disastrous war. A withdrawal-and-diplomacy strategy would not only help stop the killing. It would demonstrate to the world that America has rediscovered the principles of international cooperation on which our security—and that of the world—depends.

The Emperor's Powers

When Congress authorized the President to use all "necessary and appropriate" military force to respond to the 9/11 attackers, little did members know that in George W. Bush's mind they were freeing him to wiretap innocent American citizens without probable cause or a judicial warrant, to hold indefinitely without charge US citizens arrested within US borders and to order torture and cruel, inhuman and degrading treatment of suspects.

Had the President forthrightly said this was what he was seeking, Congress would almost certainly have said no. After all, laws on the books forbid all such conduct. The Foreign Intelligence Surveillance Act specifically limits warrantless wiretaps during wartime to the first fifteen days after a declaration of war and makes it a crime to conduct wiretaps except "as authorized by statute." The Non-Detention Act bars preventive detention of citizens except pursuant to statute. And the Convention Against Torture absolutely prohibits torture and cruel, inhuman and degrading treatment under all circumstances, expressly including wartime.

On December 19 Attorney General Gonzales admitted that the President did not seek to change the law because members of Congress said "that would be difficult if not impossible." So rather than risk rejection, the President simply assumed these powers unilaterally. The only authorizations he sought were the opinions of his yes-men attorneys, who argued that His Eminence's powers of course encompassed all this and more, and that therefore if Congressional statutes were interpreted to the contrary they would be unconstitutional. Bush's favorite lawyer, John Yoo, personally advised that the President had the power to order torture, to spy on Americans without a warrant and even to use military force against terrorists without any Congressional approval.

It has taken time, but Bush is learning the hard way that he acts without Congressional approval at his peril—even with a firmly Republican Congress. The Supreme Court sharply rebuffed his position on enemy combatants in June 2004, and this past fall the President ducked a Supreme Court test of his detention of José Padilla when another loss appeared likely [see Cole, "Post-9/11 Shell Game," December 19].

In December Bush was forced to agree to an amendment offered by Senator John McCain banning cruel, inhuman and degrading treatment in all circumstances. He had initially threatened to veto the measure outright, and then had sought an exemption for foreigners held by the CIA abroad. In the end he had no choice but to sign McCain's version, with only a small concession extending a "superior orders" defense to nonmilitary interrogators

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COMMENT

who reasonably believe they are following lawful orders.

And now the President faces a firestorm of controversy over a *New York Times* report that he secretly authorized wiretaps on hundreds of people within the United States, many of them Americans, without judicial or Congressional approval. Congress's anger over the National Security Agency spy program scuttled a bill to extend most of the Patriot Act's sunsetted provisions, and it has prompted bipartisan demands for a full investigation.

The momentum has plainly shifted. And for good reason. Why should we trust an Administration that secretly spies on Americans without judicial or Congressional authorization, disappears suspects into undisclosed "black sites" where they are subjected to waterboarding and other torture, unleashes the Pentagon to spy on antiwar demonstrators and issues tens of thousands of "national security letters" demanding telephone and e-mail information on innocent people without judicial review?

But there are still many battles to fight. Bush, perhaps realizing that his wiretapping orders may well constitute criminal conduct, has come out fighting, blaming those who leaked the story and claiming, without evidence, that the wiretaps saved lives. (The only individual he claims to have netted through the program is Iyman Faris, a truck driver who pleaded guilty to plotting to bring down the Brooklyn Bridge with an acetylene torch, a plot that raises more questions about Faris's sanity than about our security.) Congress must demand accountability.

Meanwhile, the victories on the Patriot Act and the torture issue were both tainted. The struggle over the Patriot Act remains distressingly narrow, with no discussion of many of its most troubling provisions [see Cole, "The Missing Patriot Debate," May 30, 2005]. And while Senator McCain's amendment bans cruel, inhuman and degrading treatment, another amendment, sponsored by Senators Lindsey Graham, Carl Levin and Jon Kyl, would sharply limit access to courts for those held at Guantánamo to complain about torture and other mistreatment. Worse still, it would allow the use of coerced testimony in hearings to determine the status and the culpability of those detained there.

The veil of secrecy, however, is being lifted—if only by unauthorized leaks to the media. Every disclosure brings further confirmation of an Administration that thinks it can ignore the rule of law. We must continue to insist that in a democracy, it cannot.

DAVID COLE

David Cole, The Nation*'s legal affairs correspondent, is the author of* Enemy Aliens: Double Standards and Constitutional Freedoms in the War on Terrorism *(New Press).*

CALVIN TRILLIN

A White House Response To Senator Feingold

"The President believes he has the right to overrule laws the Congress has passed. He is a President, not a king." —*Senator Russell Feingold*

As long as I'm in charge, Russ,
I'll spy on those who merit it.
If this is not a throne, Russ,
Just how did I inherit it?

Bitter Winter at NYU

On November 28, three weeks after graduate teaching assistants at New York University walked out on strike, president John Sexton dispatched a long missive to the strikers. Buried in paragraph seventeen was an explosive piece of information: For those students who return to work by December 5, Sexton proclaimed, "there will be no consequences." And the fate of those who choose to stay on the picket line? Those "who do not resume their duties...will for the spring semester lose their stipend and their eligibility to teach." (Most graduate assistants rely on stipends to cover their living expenses.)

Sexton's threat was greeted with much shock and outrage on the Greenwich Village campus. An editorial in the *Washington Square News*, a daily student newspaper, called it a "frighteningly blunt ultimatum." "The punishment that finally came down was far more extreme than I personally expected," said NYU physics professor Alan Sokal, who has supported the strikers. "It's totally unprecedented to say, Because you've been on strike for four weeks, you will therefore have the next semester—or two semesters—of your salary docked."

The roots of the NYU conflict, which now seems stalemated, go back to 2000, when the National Labor Relations Board ruled, in a historic decision, that graduate assistants at private universities were "employees" and thus entitled to union representation [see Andrew Ross, "NYU's Poison Ivy Itch," October 3, 2005].

Subsequently, NYU became the first private university in the nation to negotiate a contract with a graduate student union—in this case, the Graduate Student Organizing Committee (GSOC), affiliated with the United Auto Workers. That contract lifted stipends from around $10,000 to $18,000 a year, provided full health insurance coverage and allowed for paid sick leave and holidays. Last year, in a 3-to-2 ruling involving Brown University, the NLRB, newly stacked with Bush appointees, reversed its earlier position on graduate student unionization—which seems to have emboldened NYU to adopt a rigid stance toward GSOC, since it is no longer legally compelled to negotiate with the union.

Talks between NYU and the GSOC collapsed in August after the university gave GSOC forty-eight hours to accept a new contract, one that—in the words of an open letter signed by 209 NYU faculty members—"contradicted the very definition of what it means to be represented by a union." (Although other sources confirm this account, NYU spokesman John Beckman

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Suffering from Chronic Pain? For Solutions, Read On...

Up to 30 million Americans suffer from under-treated chronic pain.[1] Families suffer with them. For most, suffering is completely unnecessary.

Problem: Medical schools often give pain treatment low priority and discourage students from a pain specialty.
Solution: Encourage medical schools to prioritize teaching pain management per "best practice" as recommended by the Joint Commission on Accreditation of Healthcare Organizations (JCAHO)[2] and also provide educational workshops for physicians already in practice.

Problem: Even when properly informed, doctors are often afraid to follow "best practice" guidelines for patients who require large amounts of medication or even to accept pain patients out of fear of being prosecuted by the Drug Enforcement Administration (DEA).
Solution: Seek another doctor if your prescription fails to relieve your pain. If you are unable to obtain adequate medication, complain to your senators and congressman and urge them to investigate the DEA's failure to respect "best practice" and prosecution of conscientious physicians. (Conscientious physicians tend to attract serious chronic pain sufferers, and hence prescribe greater quantities of opioids in general and huge doses to some patients as necessary. Thus they attract the scrutiny and animosity of overzealous DEA agents and prosecutors who either don't understand "best practice" or are seeking headlines to divert attention from the DEA's overall failure to prevent widescale criminal diversion of licit and illicit drugs.)

Problem: Many patients suffer needlessly because they either are too stoic to complain or they mistakenly fear addiction.
Solution: Educate patients about the importance of reporting unrelieved pain, and make them aware that opioid treatment is rarely addictive.

Problem: Loved ones often underestimate the debilitating effects of chronic pain and discourage taking dosages as prescribed.
Solution: Involve family members in pain treatment consultations. Make them aware that their loved one's pain affects the entire family and can be successfully treated medically.

You are entitled to "Best Practice" treatment. Demand it!

Common Sense for Drug Policy
H. Michael Gray, Chair – Robert E. Field, Co-Chair
www.CommonSenseDrugPolicy.org -- www.DrugWarFacts.org
www.ManagingChronicPain.org -- www.MedicalMJ.org
info@csdp.org

1) "Pain Facts: An Overview of American Pain Surveys," American Pain Foundation, from the web at http://www.painfoundation.org/print.asp?file=Library/PainSurveys.htm, last accessed Nov. 22, 2005.

2) Joint Commission on Accreditation of Healthcare Organizations on Pain Management, from the web at http://www.jcaho.org/news+room/health+care+issues/jcaho+focuses+on+pain+management.htm, Nov. 22, 2005.

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JONATHAN SCHELL

The Hidden State Steps Forward

When the *New York Times* revealed that George W. Bush had ordered the National Security Agency to wiretap the foreign calls of American citizens without seeking court permission, as is indisputably required by the Foreign Intelligence Surveillance Act (FISA), passed by Congress in 1978, he faced a decision. Would he deny the practice, or would he admit it? He admitted it. But instead of expressing regret, he took full ownership of the deed, stating that his order had been entirely justified, that he had in fact renewed it thirty times, that he would continue to renew it and—going even more boldly on the offensive—that those who had made his law-breaking known had committed a "shameful act." As justification, he offered two arguments, one derisory, the other deeply alarming. The derisory one was that Congress, by authorizing him to use force after September 11, had authorized him to suspend FISA, although that law is unmentioned in the resolution. Thus has Bush informed the members of a supposedly co-equal branch of government of what, unbeknownst to themselves, they were thinking when they cast their vote. The alarming argument is that as Commander in Chief he possesses "inherent" authority to suspend laws in wartime. But if he can suspend FISA at his whim and in secret, then what law can he not suspend? What need is there, for example, to pass or not pass the Patriot Act if any or all of its provisions can be secretly exceeded by the President?

Bush's choice marks a watershed in the evolution of his Administration. Previously when it was caught engaging in disgraceful, illegal or merely mistaken or incompetent behavior, he would simply deny it. "We have found the weapons of mass destruction!" "We do not torture!" However, further developments in the torture matter revealed a shift. Even as he denied the existence of torture, he and his officials began to defend his right to order it. His Attorney General, Alberto Gonzales, refused at his confirmation hearings to state that the torture called waterboarding, in which someone is brought to the edge of drowning, was prohibited. Then when Senator John McCain sponsored a bill prohibiting cruel, inhuman and degrading treatment of prisoners, Bush threatened to veto the legislation to which it was attached. It was only in the face of majority votes in both houses against such treatment that he retreated from his claim.

But in the wiretapping matter, he has so far exhibited no such vacillation. Secret law-breaking has been supplanted by brazen law-breaking. The difference is critical. If abuses of power are kept secret, there is still the possibility that, when exposed, they will be stopped. But if they are exposed and still permitted to continue, then every remedy has failed, and the abuse is permanently ratified. In this case, what will be ratified is a presidency that has risen above the law.

The danger is not abstract or merely symbolic. Bush's abuses of presidential power are the most extensive in American history. He has launched an aggressive war ("war of choice," in today's euphemism) on false grounds. He has presided over a system of torture and sought to legitimize it by specious definitions of the word. He has asserted a wholesale right to lock up American citizens and others indefinitely without any legal showing or the right to see a lawyer or anyone else. He has kidnapped people in foreign countries and sent them to other countries, where they were tortured. In rationalizing these and other acts, his officials have laid claim to the unlimited, uncheckable and unreviewable powers he has asserted in the wiretapping case. He has tried to drop a thick shroud of secrecy over these and other actions.

There is a name for a system of government that wages aggressive war, deceives its citizens, violates their rights, abuses power and breaks the law, rejects judicial and legislative checks on itself, claims power without limit, tortures prisoners and acts in secret. It is dictatorship.

The Administration of George W. Bush is not a dictatorship, but it does manifest the characteristics of one in embryonic form. Until recently, these were developing and growing in the twilight world of secrecy. Even within the executive branch itself, Bush seemed to govern outside the normally constituted channels of the Cabinet and to rely on what Secretary of State Colin Powell's chief of staff has called a "cabal." Former Treasury Secretary Paul O'Neill reported the same thing. Cabinet meetings were for show. Real decisions were made elsewhere, out of sight. Another White House official, John DiIulio, has commented that there was "a complete lack of a policy apparatus" in the White House. "What you've got is everything, and I mean everything, being run by the political arm." As in many Communist states, a highly centralized party, in this case the Republican Party, was beginning to forge a parallel apparatus at the heart of government, a semi-hidden state-within-a-state, by which the real decisions were made.

With Bush's defense of his wiretapping, the hidden state has stepped into the open. The deeper challenge Bush has thrown down, therefore, is whether the country wants to embrace the new form of government he is creating by executive fiat or to continue with the old constitutional form. He is now in effect saying, "Yes, I am above the law—I *am* the law, which is nothing more than what I and my hired lawyers say it is—and if you don't like it, I dare you to do something about it."

Members of Congress have no choice but to accept the challenge. They did so once before, when Richard Nixon, who said, "When the President does it, that means it's not illegal," posed a similar threat to the Constitution. The only possible answer is to inform Bush forthwith that if he continues in his defiance, he will be impeached.

If Congress accepts his usurpation of its legislative power, they will be no Congress and might as well stop meeting. Either the President must uphold the laws of the United States, which are Congress's laws, or he must leave office. ■

Jonathan Schell is The Nation Institute's Harold Willens Peace Fellow.

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ALEXANDER COCKBURN

The Year of Vanished Credibility

Start with Bush. Never at ease before the cameras, he now has the hunted blink and compulsive nasolabial twitch of the mad dictator, a cornered rat with nowhere left to run. Nixon looked the same in his last White House days, and so did Hitler, according to those present in the *Führerbunker*. As Hitler did before him, Bush raves on about imagined victories. Spare a thought for the First Lady, who has to endure his demented and possibly drunken harangues over supper. The word around Washington is that he's drinking again. At this rate he'll be shooting the dog and ordering the First Lady to take poison, which I'm sure she'll have great pleasure in forwarding to her mother-in-law.

Certainly it's hard to escape Bush's voice. Every time I turn on the radio, there he is giving a press conference, or yet another bulletin on the great triumphs in Iraq (where the recent election produced utter defeat for the United States and total victory for Iran). There's talk of a Bush bounce in the polls, though I tend to believe the usually reliable Zogby poll, which found on December 13 that after edging back up above 40 percent in November, Bush's job approval rating was once again at 38 percent. I'm sure millions of Americans yearn to approve of Bush. He's officially scheduled to be in the White House for another three years, and who wants a lemon in the garage that long? And indeed, the President does still have his die-hard fans, clustered in their places of worship in the remoter regions of the country. A mid-November poll by SurveyUSA found that in only seven states did Bush's current approval rating even hover around 50 percent. These consisted of thinly populated states where sexual relations with livestock are still commonplace: Utah, Idaho, Wyoming, Nebraska, Oklahoma, Alabama and Mississippi.

All the same, we've mishandled the situation. When Bush landed on the aircraft carrier and said, Mission accomplished, we all sneered. Wrong move. We should have applauded and said, Now leave! Same thing when there turned out to be no weapons of mass destruction in Iraq. We sneered again. We should have said, Great! America's safe. Let's quit while we're ahead.

Now Bush is saying that the job will be done when Iraqis enjoy the democratic freedoms guaranteed Americans. We should say, They do! Bought news stories; secret surveillance of phone calls, e-mails and faxes; arrest without warrant; disappearances; torture—you've brought our democracies into sync. Call it a day, bring the troops home and then we can start impeaching you.

But who would do the impeaching? The Democrats have lost as much credibility as the President and the Republicans. Ever since the *New York Times* loitered a year late into print with its disclosure about the NSA spying program (only the latest in a sequence of unconstitutional infamies by that agency stretching back for decades, mostly against domestic political protesters), I've seen it argued that if the *Times* had gone with the story last year, Kerry might be President.

But if the Democrats had cared about the Constitution, they could have broken the story last year. Democratic Congressional leaders knew, because the whistleblowers from the NSA desperately tried to alert them, only to get the cold shoulder. Kerry's prime advisers on such matters—Richard Clarke and Rand Beers—knew, because they'd previously been Bush's top functionaries in the "war on terror."

We're heading into a year when the Democrats could be making hay by actually doing the right thing. If 2005 is a pointer, they never will. The latest evidence is that Rahm Emanuel, in charge of selecting Democratic Congressional candidates for 2006, is choosing millionaires and fence-straddlers on the war. He shunned Christine Cegelis, who nearly beat sixteen-termer Henry Hyde in 2004, and whom Illinois polls show to be a popular contender to succeed Hyde. But Cegelis has the disadvantage in Emanuel's eyes of not being very rich and of agreeing with John Murtha on immediate withdrawal of US troops from Iraq. So Emanuel picked Tammy Duckworth, who embodies the cynicism of the "Democratic strategists," being a double-amputee woman Iraq veteran who is not from the district, has a hot-air position on the war and is thought to espouse a "pro-business/centrist platform."

For years Democrats have been dreaming of having a bluff, no-nonsense type, preferably draped in medals, to lead them into political battle. They picked a clunker last year, in the form of Kerry, who had a glass jaw, six houses, a silly billionaire wife and an infinite capacity for talking out of both sides of his mouth. Along comes Murtha, once a Marine drill instructor at Parris Island, who is showing how to talk about the war, how to say it's quitting time. And they flee him like a poisoned thing.

I watched Murtha put Bush away last Sunday. It was effortless.

> **Wolf Blitzer**: Here's what the President said this past week.... He seemed to be addressing you specifically...
>
> **Bush**: Setting an artificial deadline would send the wrong message to our most important audience, our troops on the front line. It would tell them that America is abandoning the mission they are risking their lives to achieve and that the sacrifice of their comrades killed in this struggle has been in vain.
>
> **Murtha**: This is a real war; this is not a war of rhetoric. What the troops get disappointed [about] is they don't have the equipment they need.... I found a shortage of 40,000 battle jackets that they didn't have. That's the thing that demoralizes them. And they know they're targets. I was out at the hospital the other day, and I talked to a young woman whose husband had been to Iraq twice, wounded very badly, lying there in a hospital bed. She says, You know, he enlisted to fight for America, not for Iraq. The Iraqis have to do this themselves. That's the answer to this whole situation.

So that's it for 2005: no credibility for the President, or for the Democrats, or for the *New York Times*, which took a year to figure out whether the Constitution is worth fighting for. 2006 should be an exciting year. Let's welcome it in. ■

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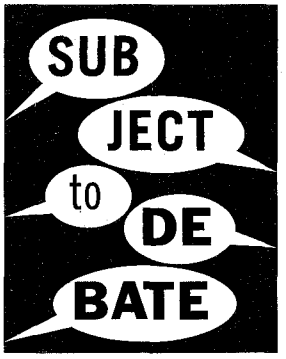
KATHA POLLITT

It Wasn't All Bad



All year long it's been one piece of bad news after another, but now it's time to put on the rose-colored glasses and list some of the good things that happened in 2005. I had to e-mail about fifty people to come up with these items, but that's OK. Keeping you cheerful is part of my job. I mean, the war could be wrong, but the Iraqi elections could still be good. So fill that glass half full with whatever and...and...well, just drink it.

1. The Bush Administration is on the defensive. The President's poll numbers rival Nixon's at his nadir, most voters say they don't believe him on Iraq, he's had to admit that the prewar intelligence was wrong, Plamegate stalks the White House. Social Security reform is off the table. Hurricane Katrina proved the grown-ups were definitely not in charge—"You're doing a heckuva job" enters the lexicon as Bushese for "You have screwed up totally but I don't care."

2. The Republican Party is mired in corruption and cronyism. DeLay's on trial, Randy Cunningham's going to jail, Frist's AIDS charity ladled nearly half a million to his friends, Jack Abramoff seems to have the whole party on his payroll. The Supreme Court is looking into that mid-Census redistricting in Texas that gave them five new seats in 2004. David Brooks openly wonders why working-class people should vote for the GOP. Good question!

3. The media are waking up. In *The New Yorker*, Jane Mayer revealed the shocking role of doctors and psychologists in torturous goings-on at Guantánamo and the CIA's role in the killing of a detainee at Abu Ghraib. In the *Washington Post* Dana Priest exposed the existence of secret CIA prisons in Eastern Europe. The *LA Times*'s Mark Mazzetti and Borzou Daragahi reported that the Pentagon paid the Iraqi press to publish pro-US stories. The *New York Times* finally got rid of Judith Miller and just this December revealed that Bush authorized the National Security Agency to spy on American citizens without a warrant. Too bad the *Times* didn't break the story when they got it, before the 2004 election.

4. The Christian Taliban is going too far. Terri Schiavo, pharmacists denying women birth control and emergency contraception, creationism in the public schools—oh, excuse me, "intelligent design," just bounced from the Dover, Pennsylvania, school system by federal court Judge John Jones III as, well, creationism. When your claim to be victims of secularism rests on Wal-Mart greeters wishing shoppers Happy Holidays, you are clearly a bunch of great big babies.

5. Civil liberties are making a comeback. ACLU membership is at an all-time high of more than a half-million. The Senate failed to reauthorize the Patriot Act, at least for now. The House banned "cruel, inhuman and degrading" treatment of detainees (but it also voted to deprive them of habeas corpus).

6. The world is becoming more gay-friendly. Really! Gay marriage was legalized in Spain, South Africa and Canada (it's already legal in Belgium and the Netherlands), and Britain and Connecticut now permit civil unions, joining Denmark, France, Germany, Norway, Iceland, Luxembourg and Sweden. *Capote* and *Brokeback Mountain*, with Jake Gyllenhaal and Heath Ledger as lovelorn gay cowboys, are huge successes. Basketball star Sheryl Swoopes came out and kept her Nike contract. Gay studies classes have started up in China.

7. The left is alive in Latin America. Evo Morales has just been elected president of Bolivia on a platform of Indian and poor people's rights, opposition to US-backed privatization schemes and support for coca farming (well, it's their country). Socialist candidate Michelle Bachelet—pediatric surgeon, single mother, agnostic, feminist, former political prisoner—is the frontrunner in Chile's presidential runoff. Just to show he doesn't hold it against Americans that Bush tried to overthrow him and Pat Robertson wanted to kill him, Venezuela's Hugo Chávez is sending cheap home heating oil to the poor in Massachusetts and the Bronx.

8. DNA evidence exonerated twelve death-row inmates (that makes 168 so far). Little by little, support for the death penalty is declining.

9. Heroes and whistleblowers spoke truth to power. Cindy Sheehan put a family face on the antiwar movement. Dr. Susan Wood quit the FDA over its anti-scientific refusal to sell emergency contraception over the counter. Bunnatine Greenhouse blew the whistle on Halliburton's no-bid Army contracts in Iraq.

10. Third World women are on the move. War-weary Liberian women elected Ellen Johnson-Sirleaf Africa's first female president. Malalai Joya, the fiery young feminist who excoriated the warlords at the 2003 *loya jirga*, won a seat in Afghanistan's Parliament. In Pakistan three sisters refused to be forcibly married to settle a dispute with another family; their father supported them.

11. Harvard president Larry Summers said women might not have the genes for science and caused such an outcry he's been atoning ever since with tenure offers, study commissions, millions in recruitment funds. Advertising biggie Neil French said women didn't have the moxie to be creative directors and lost his job. That leaves opinion journalism as the single remaining field in which conventional wisdom says women just can't cut the mustard—and women believe it.

12. Arnold Schwarzenegger's ballot initiatives went down in flames, along with a parental-notification abortion referendum he supported. With his failure to commute the death sentence of Stanley "Tookie" Williams, they don't even like him in Austria anymore.

13. *The Women's Review of Books* is starting up again, with work by Dorothy Allison, Linda Gordon, Alicia Ostriker and other wonderful writers—this time, subscribe! And while you're at it, treat yourself to a copy of *The Solitude of Self*, Vivian Gornick's deep and moving meditation on Elizabeth Cady Stanton, which reveals Stanton as a heroine for our times.

14. Hardly anyone believes that global warming isn't happening. The bad news: It's happening. But we'll talk about that next year. ■

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ARTICLES

BRAVE NEURO WORLD

The Ethics of the New Brain Science by Kathryn Schulz

The accident happened during the construction of a railroad in Vermont, in 1848, and it happened fast: A three-foot-long tamping iron sparked an explosion, shot skyward and sailed through the frontal cortex of the project's foreman, Phineas Gage. Gage, famously, got a whole new personality, and students of the brain got perhaps their most iconic case study. In transforming Gage from the amiable and responsible person he had been before the accident to the temperamental and bawdy one he became after, the iron bar also drilled a hole in Cartesian dualism, the intuitive distinction we all make between our minds and our brains. As the foreman had the misfortune to demonstrate, altering the physical brain can alter personality, behavior, mood—virtually everything we think of as constituting our essential (and incorporeal) self.

Scientifically fruitful construction accidents happen only just so often, thankfully, and brain research has traditionally been hamstrung by ethical constraints on experimenting with human subjects. In recent years, however, scientists have developed minimally invasive and comparatively benign techniques for exploring—and altering—the brain. Like advances in genetics (another field that investigates the biological substrata of selfhood), these developments raise significant philosophical, legal and ethical issues. Yet while genetics has spawned a robust watchdog industry, complete with academic departments, annual conferences and dedicated funding, neuroscience currently receives far less scrutiny.

Ultimately, though, neuroscience may raise even more troubling ethical issues, for the simple reason that it is easier to predict and control behavior by manipulating neurons than by manipulating genes. Even if all ethical and practical constraints on altering our DNA vanished tomorrow, we'd have to wait for years (or decades) to see the outcome of genetic experiments—and all the while environmental factors would confound our tinkering. Intervening on the brain, by contrast, can produce startlingly rapid results, as anyone knows who has ever downed too many margaritas or, for that matter, too many chocolate-covered coffee beans.

Caffeine and tequila are helpful reminders that, one way or another, we have been meddling with our brains since time immemorial. But the latest developments in neuroscience are sufficiently unique—different from coffee, and also different from cloning—to require a rethinking of both personal and social ethics. Broadly speaking, these developments can be divided into those technologies that seek to map the brain and those that seek to alter it.

I. Mapping Brains

Tools for peering inside the human body are not new—and nor are trepidations about them. When X-rays were discovered, doomsayers invoked Faust and Frankenstein, pundits fretted about privacy and entrepreneurial types began hawking X-ray-proof underwear. In retrospect those reactions seem unwarranted, but sometimes technologies that change how we see ourselves do have profound repercussions. Sonograms, for instance, fundamentally altered the abortion debate by changing our understanding of fetal development. Likewise, new technologies for mapping the brain will invite new interpretations of human intellect, agency and behavior.

These technologies, which include positron emission tomography (PET scans) and functional magnetic resonance imaging (fMRI), work by identifying the brain areas involved in performing a given task—recognizing faces, making decisions, recalling memories. Scientists are currently using these tools to search for

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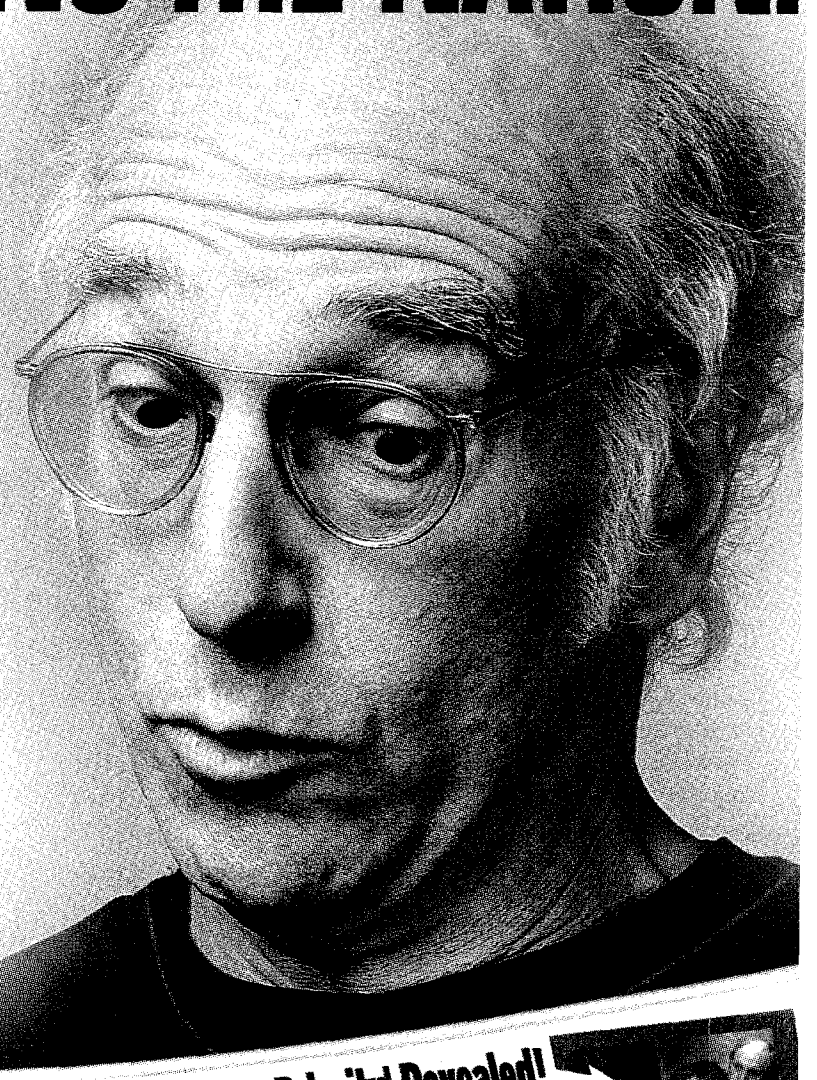

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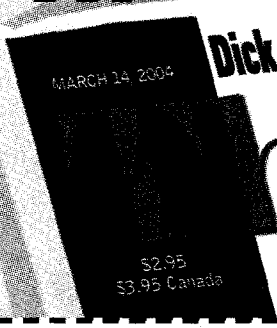

Dick & Jane: His 'Other Priority' Revealed!

The Nation

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JANE! Was she worth going AWOL fo

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the neurological underpinnings of virtually the entire sweep of human experience: the propensity for violence; the capacity for cooperation; conscious or unconscious racial attitudes and sexual preferences; religious feeling; truth-telling versus lying; real memories versus false ones; and personality traits such as extroversion, pessimism, risk aversion and empathy.

"It sounds like science fiction. You know, high-tech phrenology—we're going to scan your head and see what kind of person you are," acknowledges Martha Farah, director of the University of Pennsylvania's Center for Cognitive Neuroscience. In the 1970s imaging basically *was* science fiction; the best technology merely confirmed known facts about the brain. By the 1980s, though, scientists were isolating parts of the brain involved in complex cognition and, a decade later, moods and emotions. Recently, imaging made another crucial leap—from providing information about the average brain to providing information about a specific brain. That is, it began to reveal differences in how individual people think and feel. "We still can't stick someone in a scanner and say, 'This person has an intelligence score of such-and-such,'" Farah says. "But increase the predictive power by a factor of two, and I think you'll get applications beyond the laboratory."

Neurotechnologies threaten to violate the freedom to have our own personalities and control our inner lives.

Actually, at least one such application already exists, although it relies on an older technology, electroencephalograms. "Brain fingerprinting," a technique patented by neuroscientist-cum-entrepreneur Lawrence Farwell, determines whether a subject recognizes information by tracking electric waves called P300s, which the brain emits in response to familiar stimuli. In 2000 Farwell conducted a brain fingerprinting test on Terry Harrington, who was serving a life sentence for murder in Iowa, and found that Harrington did not recognize details the killer would have known. The trial court, and later the Iowa Supreme Court, admitted the evidence. (Harrington was ultimately acquitted on different grounds.) Farwell is now marketing brain fingerprinting for medical applications, corporate security, advertising, criminal justice and counterterrorism.

Technologies that glean information directly from our brains give some people the willies, but in essence brain fingerprinting is simply a fancy lie detector—or, in the case of advertising applications, a fancy focus group. The equipment may be new, but the ethical issues it raises are old hat: concerns about accuracy, privacy and the right of suspects to demand testing. These issues are urgent, but our society has both precedents and means for handling them.

However, neuro-imaging does raise a novel ethical issue for our justice system—one that is subtler but potentially farther-reaching than the specter of mind reading. Criminal law is inherently interested in mental states, and specifically in the *mens rea*, the guilty mind. If I am charged with a crime, the court doesn't merely consider whether I committed the act; it also attempts to establish whether I did so of my own free will. If I acted in self-defense or under extreme coercion, I am deemed innocent. Likewise, if I am judged not wholly competent (e.g., because of mental impairment, childhood abuse or alcohol addiction), I will generally be treated with greater leniency. These mitigating factors are understood as a kind of internal coercion—not the proverbial gun to the head but rather a gun in the head: a brain state that I cannot control and that, on the contrary, controls me. In determining my guilt or innocence, then, the court must decide when I am in control of my actions—that is, when my brain stops running the show and my nonbrain essence, my "me," takes over. But neuroscience brooks no distinction between me and the physical processes of my brain. It therefore rejects the notion of a freely willed act, because I have no "will" above and beyond the neurochemical reactions that make me tick.

This is hardly a new contention—philosophers have been playing free-will tug-of-war for ages—but courts that are indifferent to Spinoza tend to listen to science. "Arguments are nice, but physical demonstrations are far more compelling," write Princeton psychologists Joshua Greene and Jonathan Cohen in the journal *Philosophical Transactions of the Royal Society of London*. It's one thing to tell a jury that the accused had a troubled childhood, or even to note that early abuse imperils development. It's another thing to explain the exact mechanism that renders a specific person incapable of judgment, empathy or impulse control.

In locating criminality in our brain chemistry—rather than in a corrupted soul or a malignant heart—neuroscience could help forge a less punitive justice system. But that is hardly a foregone conclusion. "It could make people think [criminals] deserve help—the trend we've seen with alcoholism," says Eric Parens, senior research scholar at the Hastings Center, a bioethics institute in New York. But, he cautions, "it could just as easily be interpreted to suggest that they are bad to the bone and should be locked away forever."

The former outcome is presumably preferable to progressives, but it raises its own troubling question: If bad brains cause bad acts, does the law have the right to try to make bad brains better? Imagine, for a moment, the Phineas Gage experiment in reverse: altering the brain to transform a cantankerous lech into a responsible citizen. If we had the power to effect that transformation, would we also have the right?

II. Changing Brains

Or what if we had other powers? What if we could sleep less, rejuvenate our aging brains, rebound quickly from emotional trauma, improve our memories, regulate our moods, enhance our sexual response? Increasingly, we do have those powers, thanks to neurological interventions that range from psychopharmaceuticals to surgery to brain-machine interfaces.

Currently, the most famous neuro-interventions are SSRIs (the class of antidepressants that includes Prozac and Zoloft) and the anti-ADD medication Ritalin. But rivals are on the way. Consider, for instance, the drug modafinil. Marketed in the United States as Provigil, modafinil was developed to treat narcolepsy, but doctors and patients quickly realized that it enabled healthy people to stay awake for far longer than normal—anec-

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dotally, for more than three days. "Suddenly, narcoleptics had a lot of friends," Martha Farah says with a laugh.

Who can deny the allure of modafinil? Not surgeons, one suspects, or long-haul truck drivers, or military personnel on multiday missions—or, for that matter, journalists on deadline. Modafinil's intended use, like that of Prozac and Ritalin before it, is dwarfed by its nonmedical potential. Because many therapies that help the sick can also benefit the healthy, this slippery slope from treatment to enhancement is a defining feature of the neurotechnology landscape. Thus Alzheimer's drugs could improve normal memory, brain-machine interfaces for Lou Gehrig's disease patients could be adapted for Air Force pilots and modafinil could make workaholics of us all.

Here, however, are some other salient details about modafinil: There are no long-term studies of its effects, its mechanism remains mysterious and the role of sleep in regulating human health is largely unknown. These facts point to the most basic ethical concern about neurotechnologies—to wit, their safety.

Neuroenhancement could make it not merely difficult but biologically impossible for the poor to compete with the wealthy.

Arthur Caplan, director of the University of Pennsylvania's Center for Bioethics, is a champion of neuroenhancement, but he acknowledges that "technologically, we can't even build a dam that doesn't break." Theoretically, safety issues could be handled by careful oversight, but history does not inspire optimism. To illustrate the point in a debate with Caplan, University of Minnesota bioethicist Carl Elliot cited "three of the most commercially successful medical enhancements of recent years": SSRIs, hormone replacement therapy and the diet drug Fen-Phen. All three were FDA-approved and widely used before the public learned that the first are associated with suicide; the second with stroke, pulmonary emboli and breast cancer; and the third with heart disease and hypertension.

Nor does history suggest that we will establish careful rules about when, why and by whom neurotechnologies may be used. "The most relevant forerunner may be reproductive technologies, and what's happened there is an absolute lack of oversight," Caplan says. "We've got no rules about counseling, about describing the risks of side effects. We have no agreement about who can use these services. The whole thing has been treated as a Wild West free market."

That frontier free-market mentality does not bode well for the poor. Given that we do not guarantee basic healthcare in this country or fully fund such low-tech equalizing efforts as Head Start, it's tough to imagine that we will insure access to neuroenhancements for those who can't afford them. If enhancement becomes widespread, then, the advantages it confers will only exacerbate existing disparities in education and employment.

Caplan is quick to point out that this injustice lies with society, not with science. Plenty of other "technologies" magnify disparities, from private schools to test-prep courses. But neuroenhancement could make it not merely difficult but biologically impossible for the poor to compete with the wealthy. It is worth asking, as Elliot has, whether we want to widen the gap by commodifying basic human traits and inviting the pharmaceutical industry to market them.

Alongside questions about equitable access to neuroenhancers are equally grave concerns about the freedom *not* to use them. Already, some schools refuse to let "difficult" students attend class unless they take ADD medicine. The Defense Department's Advanced Research Projects Agency funds research on modafinil because "eliminating the need for sleep while maintaining a high level of both cognitive and physical performance...will create a fundamental change in war fighting." Certain nonmilitary employees could also be required or coerced into using neuroenhancements; imagine, for instance, a drug that improves concentration among air-traffic controllers. And then there is the thought experiment I posed earlier: Should the law be allowed to mandate neurological interventions that decrease violence? Current case law suggests that the answer could be yes; courts have ruled that if the state can administer the death penalty, it can also intervene in ways that stop short of death (e.g., chemical castration). As Farah points out, these uses of neurotechnologies threaten to violate a kind of freedom that, to date, is barely adumbrated within the law—the freedom to have our own personalities and control our inner lives.

For most of us, though, the freedom not to enhance our brains won't be jeopardized by the military or the courts but by a society obsessed with competition and self-improvement. As we have learned from professional sports, it is exceedingly difficult to make thoughtful choices about enhancement technologies once they are widely used. When I asked Caplan how we might protect people from pressure to alter their neurochemistry, he said, "I think you have to build niches for respecting those people, like how we deal with the Amish. They have opted away from common technologies, but we accommodate them, and they get to ride their little buggies around." Considering that the Amish make up less than 0.0003 percent of the population, and that cars are perhaps the most common and coveted technology in the country, I asked whether the analogy was apt. He thought it was: "I predict that many of these interventions will be like caffeine, which is an omnipresent enhancer. I'm not sure anybody will have a giant implant in their head anytime soon, but as for the pill that lets you stay awake longer, or the this-helps-me-focus pill, or the memory booster—I think it's crazy not to start anticipating that."

III. Changing Minds

Safety, equity and freedom are crucial issues in neuroethics, but even if we could protect all three, many people would still have qualms about meddling with their brains. Caplan dismisses such squeamishness as knee-jerk loyalty to an older order ("like wanting your kid to use an abacus"); quasi-sadistic faith in the principle of "no pain, no gain"; or a religious aversion to "altering God's wise design."

Undoubtedly, some people do resist enhancement technologies out of religious or spiritual conviction. But there are other legitimate reasons to balk—political and moral ideals not grounded in technophobia or theology. One is the belief that, as

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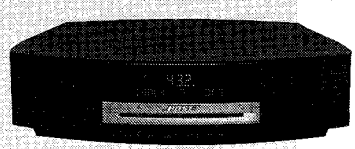

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Eric Parens succinctly stated, "means matter." That is, the choices we make do not merely achieve a desired end; they also express an underlying value.

One such value might be commitment to social change. "It's easier to try to solve societal problems with a technocratic fix, an electric shock or a pill, than by changing social structures and the distribution of power," says Parens's colleague Bruce Jennings. Put differently, it's easier to change brains than minds. The commitment to changing minds, however, expresses the belief that minds are, in fact, changeable. That is a fundamentally political belief—the anti-Hobbesian conviction that people and nations can be reformed, that we can make citizens healthier and happier by making society more just.

That conviction is plainly liberal—and yet, so is support for science, and so is the belief that people should decide for themselves what constitutes a meaningful life. These conflicting ideals help explain why the left has thus far been unable to articulate a consistent position on biotechnology. The same is true for the right, which must struggle to balance faith in the free market, respect for "traditional values" and belief in a natural order. Small wonder, then, that resistance to enhancement has made bedfellows out of, for instance, progressive intellectual Bill McKibben, conservative political scientist Francis Fukuyama and the far-right former chair of the President's Council on Bioethics, Leon Kass.

As unsavory as that alliance might seem, it is, in some ways, salutary. It suggests that neuroethical issues are too complex for politics-as-usual—so complex, in fact, that they uncover concerns shared by most of us, right and left. "I'm as committed as the next person to changing minds instead of bodies," says Parens, "but I don't want to sacrifice anyone on the altar of a noble social ideal. Sometimes, the technological fix is the right one. On this issue, I don't see any way around ambivalence. I think the best we can do is sit down together and try to specify what we hope for, and what we dread, when we picture a future with these technologies."

That discussion must include the broadest possible range of people, because even those who don't have the means or inclination to avail themselves of neurotechnology will be affected by the policies that govern it. And it must pose the broadest possible questions—not "Don't you want your kid to be smarter?" but "What kind of society do you want your kid to live in?" And "How should we expand human potential, and within what limits, and toward what ends?"

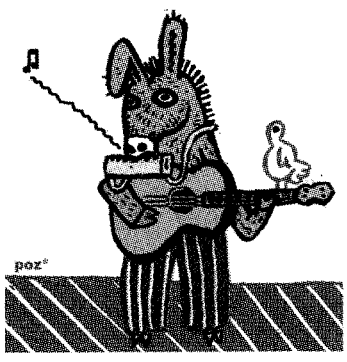
If we fail to have that discussion, we risk winding up with a social policy for neuroscience based on tactical decisions, not ethical ones; benefiting the few, not the many; and obscuring the complex relationship between personal decisions about our minds and public decisions about our culture. That is a social policy we need like a hole in the head. ■

LIGHTING A FUSE UNDER LIEBERMAN—AND THE REST OF THE DEMOCRATIC APPEASERS.

Rebels

WILLIAM GREIDER

The political news from Connecticut did not seem earth-shaking on its face, but the *New York Times* and the *Washington Post* were both sufficiently alarmed to put the story on page one. Some upstart citizens are talking about challenging their warrior senator, Joe Lieberman, by running an antiwar candidate against him next fall. The *Wall Street Journal* went ballistic. Its hysterical editorial denounced the "liberal animosity" toward Wall Street's favorite Democrat.



PETER O. ZIERLEIN

Possibly, this rump-group assault on the established order will come to nothing, just another angry rant from frustrated Democrats. But it could be the start of something big—a David-and-Goliath challenge that encourages other nascent insurgencies around the country. Rebellion can be fun—who doesn't enjoy upsetting the mainstream media?—but in these dispiriting times it is also good for one's mental health. Even better, rebellion could revive the Democratic Party.

Intraparty challenges are one of the most effective ways to get the attention of risk-averse politicians and force them to change their thinking. Even if the targeted politicians are not defeated, they hate intrusions from meddlesome citizens messing with their job-for-life security. And nothing upsets members of Congress like seeing a few of their colleagues abruptly taken down by outsiders with supposedly marginal issues the Washington Club didn't take seriously. Incumbents will do quite a lot to avoid the same fate.

With persistence and strong convictions, insurgents can change a political party. Witness the right's slow-motion crusade to conquer and transform the Republican Party. Thirty years ago right-wing activists regularly mounted hopeless challenges to the GOP establishment—including Richard Nixon—and usually lost. They were called "ankle biters" in those days. Today, they are running the party. The right continues to use this tactic to threaten and punish wayward incumbents. The Wall Street–financed Club for Growth ran a right-wing primary opponent against Senator Arlen Specter of Pennsylvania in 2004, and it is doing the same thing to Senator Lincoln Chafee of Rhode Island in 2006. *New York Times* columnist David Brooks astutely observed: "When conservatism was a movement of ideas, it attracted oddballs; now that it's a movement with power, it attracts sleazeballs."

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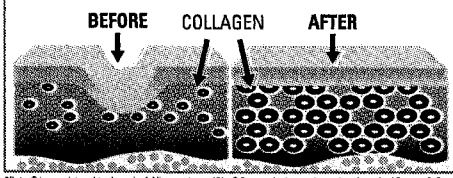

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and again become a reform party with a serious agenda until some of its blood is spilled in the same fashion. For years, incumbent Dems have distanced themselves from fundamental convictions, confident the party's "base" wouldn't do anything about it beyond whimpering. Until now, the cynicism was well founded. Galvanized by the war, disgusted with weak-spined party leaders, the rank-and-file may at last be ready to bite back.

The fuse was lit for Lieberman a few weeks ago, when MoveOn.org let it be known that the web-savvy organization will support a challenger if that's what its Connecticut members decide to do. "Our first allegiance is to our members," explains Tom Matzzie, MoveOn's Washington director, "and they are just as frustrated with the Democrats as anybody else. So they've given us the charge to change the Dems, and we're taking that very seriously." Politicians and media learned to respect MoveOn in 2004, when it proved its ability to organize people and money.

Galvanized by the war, disgusted with weak-spined party leaders, rank-and-file Democrats may at last be ready to bite back.

The center-right senator, meanwhile, is practically taunting the party's loyal voters with his extreme embrace of Bush and Bush's misbegotten war. "What a colossal mistake it would be," Lieberman lamented recently, "for America's bipartisan political leadership to choose this moment in history to lose its will." Party leaders in DC—Harry Reid, Nancy Pelosi and Howard Dean—all took shots at him. Rumors started that Lieberman must be fishing for a job in Bush's Cabinet.

A showdown in Connecticut—rank-and-file voters versus the big money bankrolling the party—would provide a fabulous test case, sure to attract maximum funding from Lieberman's patrons in business and finance. The prospects for denying him the party nomination in the primary look encouraging, Matzzie says, citing private polling he won't discuss. Voters are bitter about Iraq but also about Lieberman's toadying to corporate interests. If the senator gets past the 2006 primary, he would still be deeply wounded and vulnerable for the general election. It's too early to know whether a viable Democratic challenger will emerge, but the search is on. Lowell Weicker, the much admired former governor and senator, has proclaimed that if nobody else of stature will take on Lieberman, he will do it in the general election as an independent. Weicker, a maverick and liberal Republican, has the stature to pull it off, though a three-way race might backfire by splitting the anti-Lieberman vote.

Democratic leaders in Washington naturally discourage the talk of insurgency, warning it could endanger the party's chance of regaining a majority in the House or Senate. Some progressives doubtless agree. But this is the same logic—follow the leaders and keep your mouth shut—that has produced a long string of lame candidates with empty agendas, most recently John Kerry in 2004. The strategy of unity and weak substance led Democrats further to the right, further from their most loyal constituents. And they lost power across the board.

MoveOn doesn't believe in kamikaze politics, Matzzie says, and won't get into the race unless local members are committed and have a plausible challenger. "We have to make sure we can back up our swagger," he says, "so it's not just talk." Other antiwar forces are less cautious than MoveOn, more willing to support long-shot candidates and at least deliver a message to the hawks. Progressive Democrats of America, with activists across the nation, is pushing antiwar resolutions in state party organizations and searching for viable peace candidates. In California activists are shopping for a primary challenger to Senator Dianne Feinstein (antiwar heroine Cindy Sheehan has been approached). A candidate was lined up to run against House minority leader Nancy Pelosi until Pelosi got religion and endorsed Representative John Murtha's call for speedy withdrawal. In New York a little-known labor activist, Jonathan Tasini, plans to run against Senator Hillary Clinton.

MoveOn is proceeding more cautiously to pick its spots, and it is testing various techniques for turning up the heat on Democrats who consistently offend the grassroots on principled concerns. Representative Allen Boyd of Florida got a warning shot earlier this year for endorsing a Social Security privatization scheme similar to Bush's. MoveOn peppered his district with TV ads, and Boyd fell silent on the issue. Representative Steny Hoyer of Maryland got a similar admonition because, as a party leader, he supported the credit card industry's bankruptcy bill. MoveOn has developed an informal evaluation system that judges the quality of incumbents' performance according to four categories, ranging from "American hero" and "Stand up and fight" to "As expected" and "Wrong." For Lieberman and some others, "Wrong" is not a close call. But that doesn't necessarily insure that they will be challenged. "People who fall into the fourth category—Wrong—are in play," Matzzie said, "but these are ultimately going to be decided on the numbers." That is, do we have the money and people to win, or at least to make a serious impact?

MoveOn and many other groups are, in essence, experimenting in the early stages of democratic invention—developing ways to restore influence to citizens at large and exert discipline on party incumbents. These are the self-correcting mechanisms of representative democracy that have been largely lost in the Democratic Party. "We are challenging the incoherence and appeasement of the Democratic Party," Matzzie says, "but we also have to do the work and develop the movement."

Obviously, this is political work for the long run. It requires patience and self-discipline and, since no one can claim proven results, it requires a generous respect for others trying to achieve the same thing in very different ways. It will need many more rump groups and freelance guerrillas, asserting convictions and educating citizens, disturbing the peace in moribund politics.

The antiwar fervor is likely to exert real impact in the electoral arena, but that would only be a beginning for an insurgency. To sustain the transformation, people will have to broaden the agenda to include the bedrock economic and social issues—issues like deindustrialization, corporate power, decayed democracy and poverty—that reluctant Democrats are unwilling to confront with a serious determination for change. Re-educating comfortable incumbents is difficult; sometimes it's easier to replace them. Long-term organizing is good. So is kamikaze assault. Let a thousand flowers bloom. ■

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The Rumble Down Under

RICHARD POLLAK

Sydney

Australian Prime Minister John Howard appears to have his head in the sand of Cronulla beach here where several thousand booze-fueled mates rampaged against "Lebs" and others of Middle Eastern descent in December. "I do not accept that there is underlying racism in this country," said the PM, many of whose young Muslim constituents begged to differ by retaliating for the beach attack, marauding through the city's upscale, predominantly white suburbs beating random individuals and smashing windows in homes and cars.

PETER O. ZIERLEIN

Howard argues that Australia has had an enviable record of welcoming several million new citizens from all over the globe since World War II, which is true enough. But he is also the man who, during a decade in office, has repeatedly refused to apologize to the nation's Aborigines for two centuries of brutality at the hands of Australia's British settlers and their descendants. Like the Aborigines, hundreds of thousands of dark-skinned newcomers have remained second-class citizens—unwelcome at certain beaches, restaurants, night spots and in many jobs and neighborhoods in a nation of 20 million that, for all its open doors, remains 92 percent white. For Australia's estimated 300,000 Muslims, discrimination has escalated since 9/11 and the Bali bombing of October 2002, in which eighty-eight of the 202 people killed were Australians.

Then came raids on November 8, a swoop by some 500 local and federal police and agents of the Australian Security Intelligence Organization (ASIO). The largest such operation in recent memory here, the nighttime strikes on twenty-three houses in the Sydney and Melbourne suburbs—launched after what officials said was a sixteen-month investigation—netted sixteen alleged Muslim terrorists and many more stout headlines. "I'm satisfied that we have disrupted what I would regard as the final stages of a large-scale terrorist attack, or the launch of a terrorist attack," declared New South Wales police chief Ken Moroney.

Did the raids prevent a catastrophe? To date, Australian officials have released little information, much of it vague. They said they found weapons, as well as chemicals of the kind used in the London Underground bombings in July; that some of those in custody had received military-like training in rural parts of the country; that Abdul Benbrika, an Algerian-born cleric sometimes known as Abu Bakr, was the ringleader; that he, along with the others, has been charged with being a member of a terrorist organization, one that planned, in the words of prosecutor Richard Maidment, to kill "innocent men and women in Australia." Just where, when and how, he and the police have yet to reveal.

Days before the raid Parliament, prodded by Howard, had passed amendments to existing anti-terrorism laws to make it easier to prosecute anyone planning a terrorist act: Suddenly, authorities were able to arrest suspected terrorists without having evidence of a specific threat. In pushing hard for the amendments, Howard maintained that the government did have hard intelligence that an attack was coming; the arrests, he then insisted, vindicated the stampede to get the tightened provisions on the books.

Perhaps. Regardless, the amendments were only a preamble to Howard's main security agenda: new, sweeping anti-terrorism legislation that sparked a rancorous nationwide debate and drew thousands of protesters in Sydney, Melbourne and the capital, Canberra, concerned that civil liberties were in serious jeopardy and that the government was edging toward a police state. Parliament passed the legislation December 6, just a few days before the forty-eight hours of mayhem here. Even the nation's most senior police official, Federal Police Commissioner Mick Keelty, fears that more anger and mistrust will develop in the Muslim community because of the draconian new law, which

§ allows police to hold terror suspects for up to twelve months without charge if they have trained with a terrorist organization overseas;

§ permits authorities to fit suspected terrorists with tracking devices and to impose bans on where they may travel and with whom they may associate;

§ permits preventive and secret detention for as long as fourteen days of people suspected of having information about terrorist threats, and makes it a crime punishable by up to five years in prison even to reveal that a person has been detained;

§ makes special search warrants for the ASIO valid for three months rather than the present twenty-eight days; for six months for mail and delivery-service intercepts; and indefinitely for the seizure of material deemed necessary for purposes of security;

§ makes it a crime punishable by up to life imprisonment to recklessly finance terrorism;

§ upgrades the penalties for sedition to include jail terms of up to seven years for urging the overthrow of the commonwealth by use of force or violence.

The sedition provision particularly outraged the legislation's opponents, which ranged from backbenchers in Howard's own Liberal Party to Nationwide News Pty. Ltd., Rupert Murdoch's media giant. They argued that the sedition law, which has been in force since 1914 but unused since the '50s, is "archaic" and a "dead letter" and needed not strengthening but repeal. In testimony before a Parliament committee, Robert Connolly, representing the arts and creative industries of Australia, pointed out that sedition laws no longer exist in the United States, Britain,

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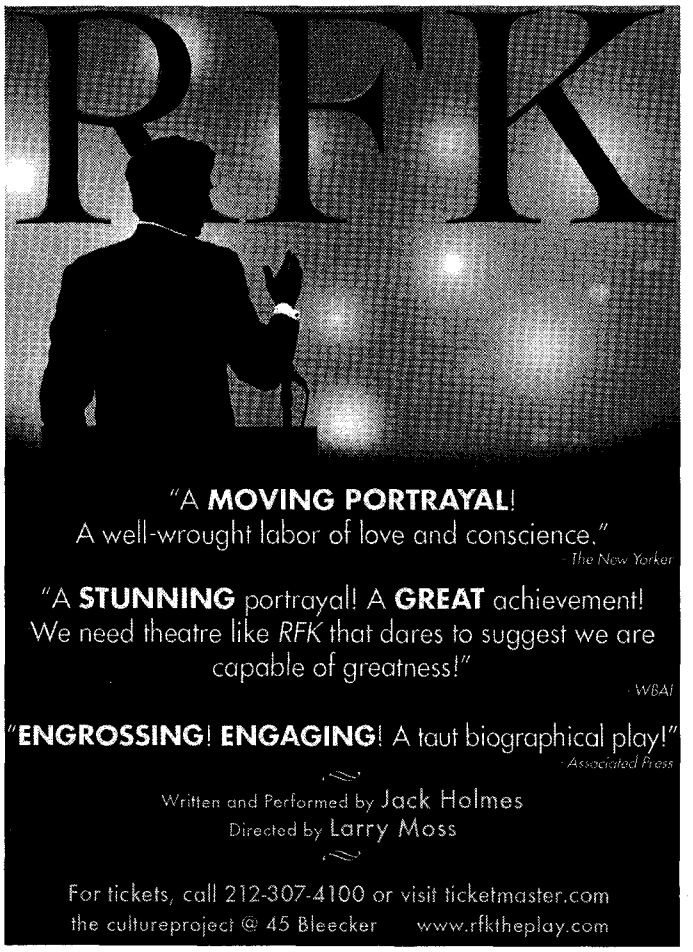
Canada, Ireland, Kenya, New Zealand, South Africa and Taiwan but still apply in China, Cuba, Syria, Zimbabwe, North Korea and Singapore. "I know which list most Australians would like to be on," he said.

The committee received almost 300 submissions, virtually all of them critical of the legislation in general and the sedition section in particular. This moved Howard's attorney general, Philip Ruddock, to promise that he would review the sedition provisions after they became law. Mark Day, who writes about the media for *The Australian*, observed tartly that passing a law known to be flawed and then agreeing to give it a second look is, at best, "cockamamie policy." Under intense pressure, Howard and Ruddock agreed to a few minor changes—for example, the insertion of a "good faith" defense for news organizations that report in the public interest. This is less cockamamie than cynical, since it is the government that will decide just what constitutes good faith and the public interest.

As the legislation moved toward passage, the loyal opposition proved—like the feckless US Democratic leadership in the months after 9/11 and in our Iraq debacle—loyal indeed. Kim Beazley, Labor's shadow PM, rolled out a few token criticisms of the sedition provisions, but he put his party squarely in the government coalition backing the legislation. In the words of one columnist, he is at heart just another "anti-terror Tarzan, thumping his chest with all the other alpha males." After the November raids and arrests, Beazley said, "Lock down Lakemba," referring to Sydney's Muslim neighborhood.

In his "war on terror," Prime Minister Howard seems determined to keep in lock step with Washington's fearmongering triumvirate of Bush, Cheney and Rumsfeld, and not just with the new anti-terrorism strictures. In November the government's defense minister, Robert Hill, asked Parliament for $1.8 billion (all figures are in Australian dollars) for the biggest overhaul of the army since World War II, a radical restructuring aimed at making the forces more agile and adaptable to combat terrorism and fight modern wars. Meanwhile, the country is building a $210 million, 800-bed "immigration reception and processing center" on Christmas Island, an Australian territory 870 miles off the country's northwest coast. Many of the remote island's 1,500 residents, including that shire's president, Gordon Thompson, see the center as Australia's Guantánamo Bay in the making. These developments, too, anger many Muslims and others of Middle Eastern origin, most of them already disaffected by Howard's tight embrace of the Bush Administration and willingness to send Australian soldiers to Iraq and Afghanistan.

As Christmas approached, right-wing shock jocks and text-messaging neo-Nazi groups continued to egg on their anti-Muslim sympathizers. Ordinarily, sunbathers and surfers would be flocking to the beaches at this holiday season, in this city often touted as among the most livable on the planet. Instead, thousands have heeded official warnings to stay away, a message reinforced by some 2,000 police patrolling on and around the sands. As of this writing, no new confrontations had occurred, but it will take more than the police, tough anti-terrorism laws and immigration centers in the Indian Ocean to head them off. The PM may say no underlying racism exists in Australia, but at year's end a poll showed that three of four voters disagree. ■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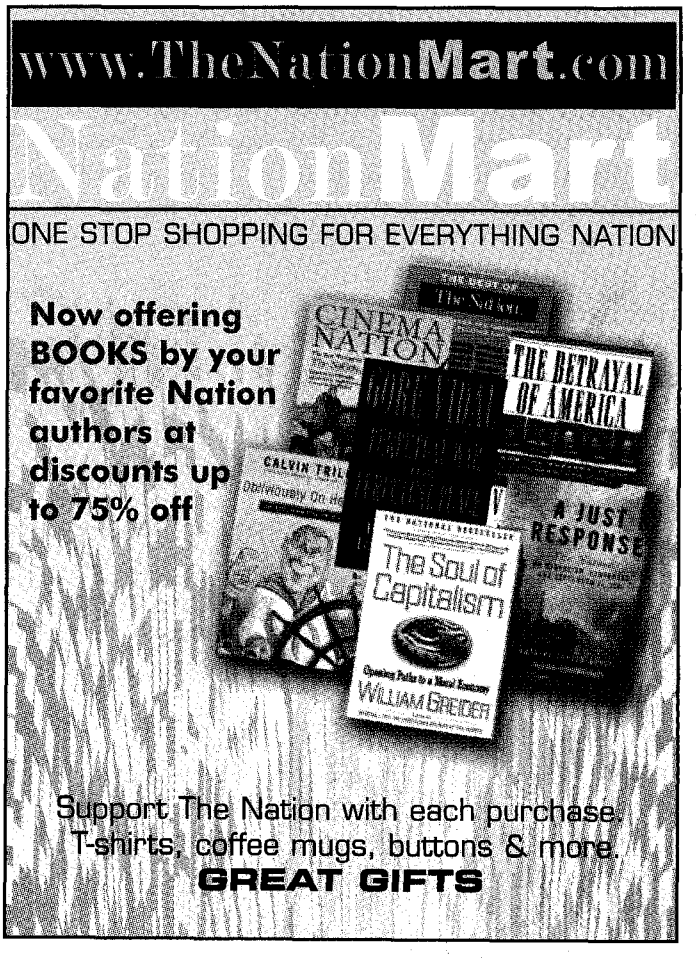
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COMMENT

(Continued From Page 6)

denies that there was an unwavering forty-eight-hour deadline.)

New York University, which insisted on an open shop and a grievance procedure that did not entail binding arbitration, decided, in Sexton's words, to "move ahead without the union." GSOC members voted to strike—not to achieve higher wages (NYU's current pay scale is roughly equal to that of the old union contract) but to affirm their right to unionize. "To walk away from the union contract," says Matthew Osypowski, a graduate student in creative writing who remains on strike, "would be a betrayal of those who fought for our first contract and those who will stand to inherit the benefits of the second."

It was undoubtedly Sexton's hope that his ultimatum would break the back of the union. His threat did, indeed, force an undetermined number of international students back to work, but not before dozens of them had unleashed their fury in a December 7 letter to the president: "We, as international students," they wrote, "feel especially vulnerable to your antagonizing, intimidating and outrageous threats...we condemn these threats as signaling a sharp decline in NYU's intellectual and ethical position in the academic and labor community." (Some GSOCers who returned to work have indicated that they will not serve as replacement labor for comrades who remain on the picket line during the spring semester.)

But a significant number of core union members have stayed on strike. The GSOC, which operates out of a UAW office near Union Square, won't reveal the exact number; it merely insists that "a majority" of its members are standing fast. Sources inside the GSOC estimate that somewhere between 150 and 200 graduate students are still striking, and that they are overwhelmingly concentrated in the humanities and social sciences: primarily history, English, sociology, anthropology, American studies, Spanish and Portuguese, and music. The GSOC has little clout or faculty support in politics, math, economics, psychology or the sciences.

The current conflict is not merely a brawl between the NYU administration and GSOC/UAW. Faculty members, some of whom have moved their classes off campus to avoid crossing the picket line, have emerged as significant actors, at least in the humanities and social sciences. Twenty-three departments in four schools have passed neutrality resolutions, in which professors have pledged not to punish students who went out on strike. (Some departments, English and linguistics, for instance, have gone further, insisting that they will not reveal to the administration the names of GSOC students involved in the labor action.) For many professors, including those who are ambivalent about the idea of a graduate student union, the strike has brought to the surface not only longstanding concerns about the Sexton administration—which is viewed in many quarters as secretive, authoritarian and indifferent to faculty governance—but also larger issues pertaining to the corporatization of higher education.

In recent weeks a number of concerned faculty have floated "third way" proposals to end the strike. One proposal, signed by sociologists David Garland, Steven Lukes and Troy Duster, among others, called for the creation of a new graduate assistant representative body that would be empowered to handle GA grievances—a notion that the GSOC dismissed on the grounds that it would "eliminate our union."

So both sides seem hunkered down for a protracted fight. The stakes are high for John Sexton (who declined to be interviewed for this article) and for GSOC/UAW: At a town hall meeting in February, Sexton, a theologian who is given to sonorous pronouncements about "the university as sanctuary," admitted, according to several GSOC members present, that he is under pressure from Ivy League colleagues to restrain the union. (Yale, Columbia and Brown are resolutely hostile to graduate student unions.) Other Sexton-watchers insist that NYU's leader is committed to a top-down, paternalistic management style.

Many hopes have been invested in the GSOC as well, and AFL-CIO president John Sweeney—who views graduate student unions as a growth area for labor and also sees the administration's actions as emblematic of the hostile climate for union organizing—has made three appearances on campus. If the GSOC is vanquished, it would have a chilling effect nationwide on graduate students attempting to forge collective bargaining agreements with private universities.

Meanwhile, pressure on NYU's president, who has yet to carry out his promised reprisals against those who are still striking, is steadily increasing. Hundreds of scholars, writers and concerned citizens have written to Sexton to protest his actions and to warn him that NYU's reputation is at stake. "Let me tell you, President Sexton," wrote CUNY historian Jesse Lemisch, "these are our very best young people. They are among the most serious and dedicated scholars and teachers I have known."

"NYU has become a great university, in size and quality," wrote Harvard historian John Womack Jr. "You are threatening to wreck some of its infrastructure, and ruin the future of some of the best young scholars in the country; not smart."

SCOTT SHERMAN

Scott Sherman is a Nation *contributing writer.*

MINORITY/MAJORITY

■ **Permanent Minority.** At the very moment that more and more Democrats seem to be finding their voice on Iraq and on core economic issues, the Democratic Leadership Council issued a memo telling Democrats to behave more like Republicans. DLC CEO Al From and DLC pollster Mark Penn claimed, "America remains a moderate to conservative country—particularly on economic and security issues." They then proceeded to ignore consistent hard data showing exactly the opposite: that Americans support universal healthcare, a higher minimum wage, a re-evaluation of America's corporate-written trade policy and an exit strategy for US troops in Iraq.

■ **Toward the Majority.** Senator Russell Feingold, once chastised for being the only senator courageous enough to vote against the original Patriot Act, has forged a large bipartisan coalition of senators to demand that the Bush Administration revise the law to better protect Americans' civil liberties. —DAVID SIROTA

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BOOKS & THE ARTS

Europa, Europa

CHARLES S. MAIER

POSTWAR: A History of Europe Since 1945.
By Tony Judt.
Penguin. 878 pp. $39.95.

Writing in the early days of the cold war, Raymond Aron declared: "In our times for individuals as for nations the choice that determines all else is a global one, in effect a geographical choice. One is in the universe of free countries or else in that of lands placed under harsh Soviet rule." Tony Judt cites this with approval but also includes Aron's warning that politics compelled realism: "It is never a struggle between good and evil, but between the preferable and the detestable." There is a breed of European liberal intellectual that admires Aron for his lucid tough-mindedness—a supercool Isaiah Berlin, closer in spirit to Clausewitz than to Herzen or Herder. Aron's most consistent subtext was always: no kid stuff, no utopias, no illusions and, above all, no acting out. But let's face it: The history of Europe has included massive spells of acting out, from the springtime of the peoples in 1848 to May '68, from the French Revolution to the Velvet Revolution.

Postwar, Judt's learned, massive and often quite wonderful summary of European public life since World War II, is a vast effort to square periodic acting out with Aron's injunction to cast a cold eye—more precisely, to applaud Eastern Europe's acting out in Budapest, Prague and finally in 1989, and to dismiss Parisian acting out in 1968. Judt's book is a retrospective battle with the forces of Stalinist despotism and its useful idiots on the left (Judt certainly has no truck with the murderous bullies on the right, but they were largely defeated in 1945 and really reappear only in the Balkans after 1989). *Postwar* follows the struggle to reestablish a politics of decency after Nazism and Communism, and it recognizes that this battle was won in Western Europe less by grand gestures of purge and absolution than through the politics of stabilization, institution building, continual compromise with some unattractive holdovers from Hitler's Europe and the willingness to reweave Germany into civic life, to adjourn the quest for socialism and to accept the welfare state instead. This was also a struggle to overcome the great descent into totalitarianism, World War II and the ensuing poverty, demoralization and exhaustion.

What makes *Postwar* particularly laudable, aside from a narrative stamina sustained over sixty crowded years and nearly 900 pages, is that it explicitly sets out to treat the two halves of Europe as a single continent. Romania, Czechoslovakia, Hungary and Poland belong to Judt's Europe as integrally as France and Germany. He tells the story of Eastern Europe's subjugation by the Soviets with detail and clarity, from the purges just after the war (notably in Hungary, where one-tenth of the population faced arrest, interrogation or far worse), to the thaw under Khrushchev, to the disintegration of state socialism in the 1980s. Yet despite his preoccupation with the ghosts of Stalinism, Judt is also attentive to the ways in which Europe's economic and social revival from the mid-'50s to the late '80s—the subject of the book's splendid middle sections—transcended, and often defied, any neat division between the capitalist West and the Communist East.

Is Europe still haunted, as Judt argues, by the ghosts of war, genocide and totalitarianism, or has it finally broken with the past?

Readers of Judt's work, particularly his incisive essays in *The New York Review of Books*, may be familiar with his trajectory. Trained originally as a historian of modern France, Judt felt it urgent to recover the suppressed aspirations of Eastern Euro-

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peans—the travail, above all, of the Czechs after 1968—when he examined the pro-Soviet apologias of French leftist intellectuals in his 1992 book *Past Imperfect*. His judgmental tone can exact a price, flattening the complexities of intellectual debates or leading to a readier acceptance of the defects of Western positions. In *Postwar*, for instance, Judt briefly cites the CIA's secret funding of the non-Communist left. Some of those who received support were, as Judt rightly says, admirable intellectuals badly in need of support in the postwar struggle for liberalism and social democracy. But the issue raised by CIA funding, which I believe is revealingly understated here, was not just the war against Stalinism but the impact of secrecy on public intellectuals. After all, as Judt clearly understands with respect to the post-Stalinist deformation of Eastern European life, secret collaboration—the fabric of privilege exchanged for private betrayal—constituted the basis of Communist rule once the sanguinary and disgusting show trials were abandoned. Václav Havel is Judt's hero precisely for his clearsighted exposé of the shabby compromises that stabilized the regimes of the 1970s and '80s.

Another consequence flows from Judt's concern with the battles of the cold war and his abiding interest in political ideas. *Postwar* is not a title without implication. Judt says that his young son suggested it, since it covered the period after the war. But the title describes more than a period. It expresses the author's conviction that so much of Europe's history remains in the grip of contested memories. (The title of Judt's epilogue, borrowed from either Dostoyevsky or Janacek, is "From the House of the Dead.") European history has been a grappling with ghosts—sometimes productively, sometimes obsessively and distortedly.

Precisely Judt's preoccupation with the role of historical memory, however, leads to the major ambiguity in his achievement. The story he tells continually bursts out of the framework imposed by "postwar" collective memory. As an analyst of the so-called historians' controversy in Germany, I know how captivating a perspective such a preoccupation can provide. The history of what we now call collective memory has obviously responded to a powerful need finally to take stock of the moral legacy covered up by a generation of shame and opportunism. But the question arises whether this emphasis fails to capture how decisively Fascism and Communism have been left behind. And it threatens to obscure an equally powerful European development, which has been not the repression but the outgrowing of memory. Whoever passes through a European airport and looks at the young or even middle-aged professionals boarding a flight from London to Frankfurt, or Paris to Rome, must come away with the sense that the struggles of the postwar period are irretrievably past.

Europe is being re-created dramatically, with the transformative influx of immigrants from Africa, Asia and the Middle East.

Judt knows this, and he devotes appropriate attention to such current issues as migration and the admission of Turkey to the European Union—both of which threaten to mobilize impulses that, seventy-five years ago, led to Fascism.

Indeed, despite its title, Judt's history covers far more than the postwar period: It is also the story of breaking away from the postwar. In a revealing passage Judt cites the collective decision of Europeans in the 1960s to wager on the future and raise a fertility rate that had contracted since the 1930s. The anthropologist Laurence Wylie reported a similar phenomenon half a century ago: When he lived in the Vaucluse in 1950, French farmers gave up replenishing their olive groves because they had no confidence in the long-term future, but by the 1960s they were replanting the trees that took so long to bear fruit. Today, of course, birthrates in Europe are lower than they have ever been, but they will probably rise again: Demography dances to a different rhythm from politics.

In the political and economic spheres, too, the reader will find interval after crucial interval crowded with decisive watersheds, from postwar ruins and initial reconstruction dominated by American and Soviet models for intervention; then the broad plateaus of development and normalization of the 1950s and '60s; the discontents of the '70s; thereafter the '80s, teeming again with the collapse of Communism and the forging of the European Union; and finally a Europe disoriented by the challenges of globalization, unemployment and new sources of conflict and violence, whether in the breakup of Yugoslavia, the outbreaks of Islamist terrorism or the insurrections arising from mass immigration and the bleak segregation it has produced, as seen recently in France. These current clashes do not derive from the ideological rifts that brought Europeans to dictatorship and war and still hung over their politics in the 1940s and '50s. The concept of postwar will not prepare us to understand them, but Judt's narrative fortunately transcends this framework.

Still, the grand ideological themes grip Judt more than the social transformations. This is pre-eminently an East-West and not a North-South story, but it may be the last time an East-West story can remain so dominant. Those of us who have reached late middle age will find this book the repository of our public lives writ large. Moreover, Judt renders justice where justice should be done—especially to Mikhail Gorbachev, too often treated with condescension by complacent Western commentators. To be sure, the courageous Gorbachev of 1989–90, who let the Soviet Union's satellites regain their independence without intervention, looked confused and cowed two years later, apparently still believing that reform would preserve Russian socialism until he was undone by conspirators and then his rescuer, Boris Yeltsin. Yet as Judt underscores, Gorbachev's audacity was real and of historic significance, even if he was operating on the basis of a strategic miscalculation. More important, *Postwar* reminds us that Washington's role in the dismantling of Communism was secondary. The system collapsed clamorously under the weight of bureaucratic inertia and economic stagnation—its administrators no longer believing Communism had a future—while its long-standing critics reorganized a civil society. Though the American right was quick to claim credit for the overthrow of Communism, it was as astonished as everyone else by the Eastern European revolutions, having accepted Soviet totalitarianism as a regrettable but permanent fact of life. What the revolutions of 1989–1991 demonstrated, *pace* Aron, was that sometimes in history the romantic is the real, and what has passed for realism is revealed as mere husk.

Judt covers the sequel well: The velvet divorce in the Czech and Slovak lands, the cruel and partially needless civil wars in the Balkans. He is not afraid to render moral judgments—French foreign policy in fissioning Yugoslavia under François Mitterrand and his generals is criticized for abetting Serbian violence; Clinton's Balkans policy comes off better but none too gloriously. For anyone who wants to follow history with a score card, this book is ideal—at the end of each episode responsibilities are neatly allocated, even

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when the author divides the blame for disaster. In a virtuoso performance Judt traverses the Continent from east to west and north to south, examining the resurgence of regionalism in Spain and in Northern Italy, where resentments against the persistently lagging Mezzogiorno fueled a movement less ethnically separatist than those in the Balkans or Spain and more squalidly middle class: what he terms the separatism of the prosperous.

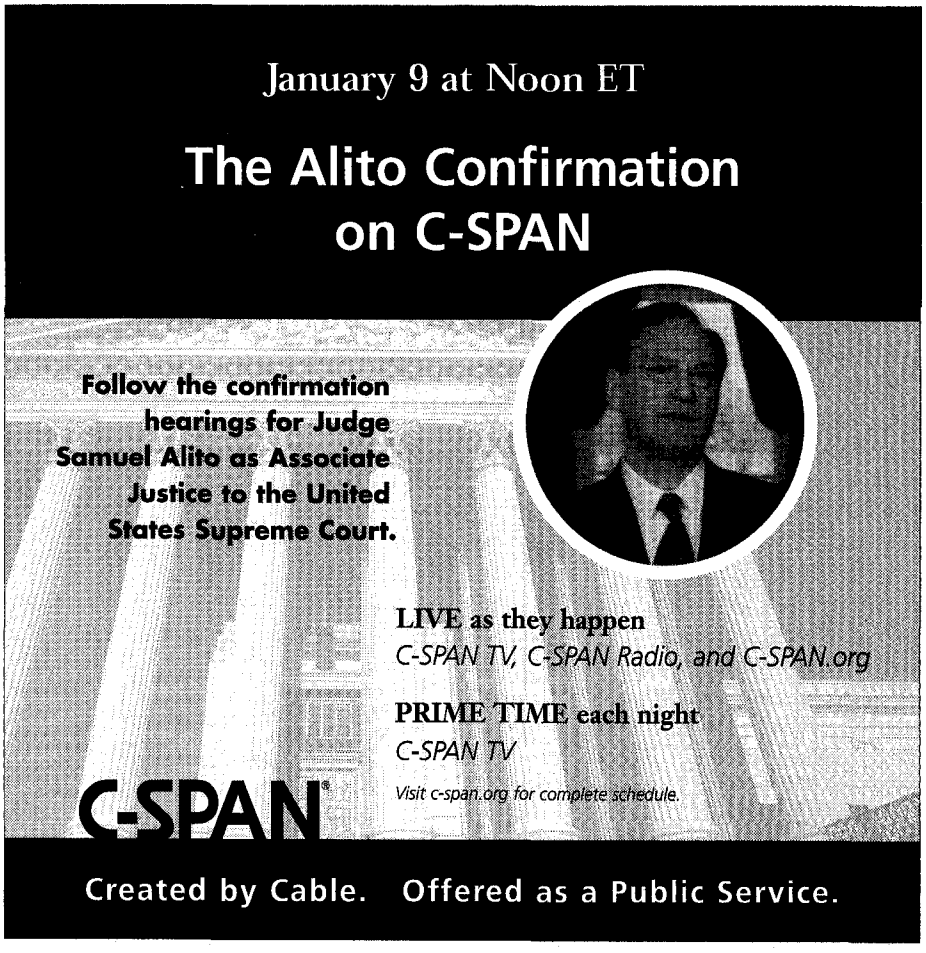
Judt's book is a triumph of narrative, and it will plunge all of us who recall these events into a feeling not of nostalgia but of experiencing them again. Yet there were times when I felt a certain weariness, having studied the history of Europe for many decades, with the closed intensity of the Continent, as if I had to break out of a large house filled with quarreling relatives and breathe the winds blowing from elsewhere. At times Judt's Europe seems less a house of the dead than a house of the deaf. But he dispels that sense of encroaching claustrophobia by restoring the universality and brilliance of the European experiments. He renews one's sense of sympathy with what Herzen wrote from Paris to his Russian friends in 1849 after the crushing of the European revolutions: "Why then do I stay here? I stay because that struggle is going on here. Here, in spite of the blood and tears, social problems are being worked out, and painful and burning as the suffering here is, it is articulate. The struggle is open and above-board. No one hides. Woe betide the vanquished, but at least they will have given battle. They are not gagged before they have had their say. The tyranny is great but the protest is thundering."

Yet even brilliant histories have alternatives, and while it is wrong to tax an author for not writing the alternative, it is fair to suggest that a different history is possible. In Judt's view the postwar period, "once understood as the onset of a new era of permanent ideological mobilization," turned out in 1991 to have been "an extended epilogue to the European civil war that had begun in 1914, a forty-year interregnum between the defeat of Adolf Hitler and the final resolution of the unfinished business left behind by his war." The effect of this interpretation is to radically reduce the impact of the 1960s, upon which Judt writes with barely concealed disdain. The baby boomers "looked back with fondness upon 'their' decade and continued to harbor fond memories and an exaggerated sense of its significance."

But is there not another way to understand these decades, in which the 1960s undermined the political discipline imposed by the imperatives of postwar reconstruction and cold war confrontation? The late '60s, the '70s and the '80s witnessed a gradual unmooring of Europe, much like old certainties and relationships dissolve when Iberia floats free in Saramago's *Stone Raft*. In its place a new Europe began to emerge, disoriented by local terrorism, global inflation, immigration from former colonies and the revival of the cold war in Africa and Asia—all of which portended, despite the achievements of former European Commission President Jacques Delors, a seismic loosening of identity and the advent of an age that is still decades from completion: Europe slowly being re-created, that is, from the outside in.

Judt concludes with a set of interlocking meditations that might validate such an approach: on borders and languages, the importance of the European states together with the EU and on Europeans' relationship to an America they find in the grip of religious fervor and hegemonic aspirations. "Few would have predicted it sixty years before, but the twenty-first century might yet belong to Europe" is his hopeful conclusion, or at least hopeful for Europeans. Still, at the end Judt asserts the grip of the past, and not the trends of the future. In his epilogue on memory and the importance of history, he focuses again on the twin tolls of Nazism and Stalinism, but above all on the Holocaust; and from the perspective of *Postwar*, perhaps that is fitting. For all the peoples who have flowed into Europe, one group was to be systematically weeded out no matter how complete their social and cultural integration, and weeded out not only by Germans but also by their adherents throughout occupied Europe. (Roma and Sinti would be liquidated, too, but without ideological fanfare.) So the parabola of Judt's history comes to rest where it began—with World War II, Fascism and the fate of Jews. Curiously enough, the attempted extermination of the Jews provides a memory that does not have to accommodate the intrusion of Americanization or the more recent claims of Muslims. In its perverse way the Holocaust restores the lost cozy boundaries of Europe: Judt doesn't quite say so, but the Jewish dead are the clamp that restores Europe's older identity.

Seeking a metaphoric site for European memory, Judt ends with a visit to the House of Terror, erected by a center-right government in Budapest to commemorate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victims of both Nazism and Communism. He recognizes how tendentious such a program is. But if the Jews are to be made so central to European memory, I would visit Peter Eisenman's vast quarry commemorating the murdered Jews of Europe, next to the Reichstag and along what was for four decades the seam between the two halves of Europe. Eisenman's field of steles draws the walker into its overwhelming interior. It compels meditation but encourages children to play and adults to seek glimpses of the living among the stones. It is authentic because it acknowledges uncertain outcomes and even allows for hope and surprise. It acknowledges the past but no longer as a lecture, no longer as a neurotic replay. Contrary to the cliché, the past is not a foreign country, but it's always one we've left for good. ■

Wartime Lies

TIMOTHY SNYDER

LEGENDS OF MODERNITY: Essays and Letters From Occupied Poland 1942–1943.
By Czeslaw Milosz. Translated by Madeline G. Levine. Farrar, Straus & Giroux. 266 pp. $25.

What to make of a young man who wrote literary criticism in Nazi-occupied Warsaw? The young Polish poet Czeslaw Milosz wished to restore the categories of Western civilization in the midst of its destruction. His country was at the center of a war of totalitarianisms. First Poland had suffered joint Nazi-Soviet invasion in 1939. Then Germans had turned on their Soviet allies in 1941, occupying all of Poland along the way. Milosz fully expected the Soviets to return. His wartime prose, completed in January 1944, published in a single volume in Polish in 1996 and now available in Madeline Levine's sublime translation, brings us closer to this Polish experience of totalitarianism. Because the essays themselves are of very high quality and admirable limpidity of style, *Legends of Modernity* also brings us a bracing, if not always convincing, reading of the American, English, French, Polish and Russian writers Milosz discusses.

Milosz (1911–2004) was as cosmopolitan as the interwar Poland that formed him, perhaps even more so, but he wrote these essays in a world defined by racial slavery and murder. The Nazis meant to destroy Poland as a society that could think for itself. Auschwitz, where Jews were being sent to die, had originally been built as a camp for Polish political prisoners. At the time Milosz was writing, the German ambition to decapitate Polish society was understood and the German plan to eliminate the Jews was becoming clear. To write in occupied Warsaw, Milosz believed, was to take part in an alternative polity that resisted the Germans. As he put it a few years later, "The whole country was sown with the seeds of conspiracy and an 'underground state' did exist in reality, so why shouldn't an underground literature exist as well." Writing was indeed an act of resistance, yet Milosz was writing to gain understanding rather than to advance a political cause.

The literary criticism in *Legends of Modernity*, much like the underground state, was audacious. Milosz wished to explain not only the causes of the Polish defeat but the roots of National Socialism and totalitarianism more broadly defined. In his view, totalitarianism was the outcome of Western modernity itself, and his project in these essays was to take modernity apart, to subject its mythologies to unflinching critique.

That he chose to do so in a work of literary criticism rather than history or sociology reflected the classical Eastern European supposition that literature defines society. The method of critique, although it reflects close reading and an excellent memory of books long before read, hangs on the selection and development of a single theme at the conjuncture of a book and society. Each essay in *Legends of Modernity* seeks to deconstruct a particular mystification of the world found in a work of literature. Daniel Defoe's *Robinson Crusoe*, for example, reveals the "legend of the island": that our surroundings are responsible for the evil within us and that, given a fresh start, we could reform and even perfect ourselves. In Stendhal's *The Red and the Black* Milosz perceives the "legend of the will": that a lone individual can apprehend the complexity of society as hypocrisy and assert his authenticity by rebelling against it. Balzac's *La comédie humaine*, in Milosz's reading, manifests the "legend of the monster city": that somewhere beneath the hurly-burly of the metropolis lurks the real city, a secret society known only to locals.

The innocent island, the willful rebellion, the authentic city: All are delusions, according to Milosz. The evil is within us, and follows us wherever we may go. Willful rebellion leaves the individual vulnerable to sentimentalism about the past and overconfident about his ability to change the future. Urban life is not authentic communication but selfish voyeurism. The anonymity of city life is a "cap of invisibility" that turns us into peeping toms indifferent to our fellow citizens. Milosz makes the dandyish point here that going to the movies is the natural conclusion of urban life: anonymous watching without participation. Yet in 1943 he said the same thing about the heartlessness of anonymous observation in his poetry, only with respect to Poles observing the destruction of the Warsaw ghetto. This is the theme of two of his celebrated poems of that year, "Campo dei Fiori" and "A Poor Christian Looks at the Ghetto." In these poems Milosz implies that observation ought to create a kind of moral community, and that neighbors ought one day to be held to account.

Milosz believed that the Christian worldview had succumbed to the legends of modernity, but his description of a fallen civilization is unmistakably Christian. Our souls are flawed, and reason deceives us as to the evil of our actions. Original sin is, among other things, an epistemic problem. Reason betrays us "by adorning the blind workings of instinct with bright and cheerful colors." Our personal delusions are the threads we spin between our flawed souls and the world around us. When many of us tell the same stories, they are woven together—Milosz seems to be saying—in a broader tale, a legend. In *Legends of Modernity* Milosz suggests that Catholicism is the kind of humbling metaphysics that provides an indispensable defense against the totalitarian temptation. This is no longer available, a fact he recognizes and rues. Thus modernity is the era of legendary thinking par excellence. Inverting the whole scheme accepted by rationalists and romantics alike, Milosz maintains that the Middle Ages were a time of clear thinking compared with the present day. Characteristic of modernity, says Milosz, is the con-

Timothy Snyder is associate professor of history at Yale University. His most recent book is Sketches From a Secret War: A Polish Artist's Mission to Liberate Soviet Ukraine *(Yale).*

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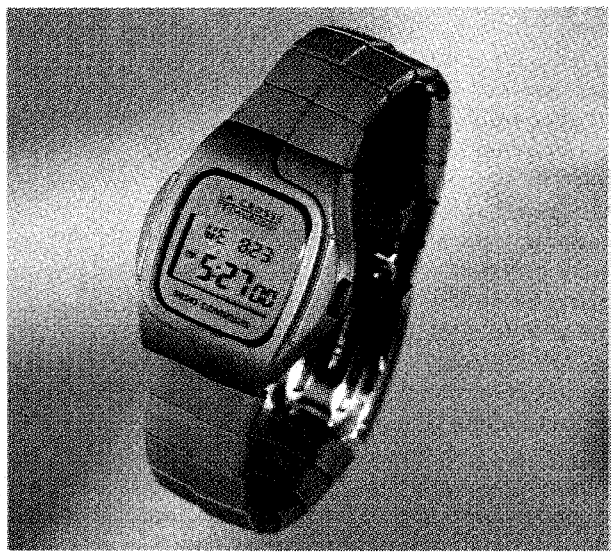

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struction of legends—the most important of which is that modernity has done away with legends. This supreme legend leaves us helpless before the great lies of our time.

Of the French Revolution Edmund Burke wrote regretfully that "pleasing illusions" would "be dissolved by this new conquering empire of light and reason." The opposition between reason and illusion, says Milosz, was itself a legend of the nineteenth century. The progress of science left us more rather than less vulnerable to legendary thinking. Darwin's evolutionary theory was popularized in liberal, socialist and nationalist variants, all of which placed man at the center of the narrative. The problem is not, says Milosz, that the spread of scientific knowledge impaired our moral faculties. On the contrary, evolutionary thinking makes us believe that we (our class, our race, our nation, etc.) are the heroes of a story of progress toward the good. The problem is that evolutionary thinking kills the metaphysical idea of a truth beyond the observable. It creates the sense that truth is what is immediately useful, that which advances the group. Since nothing is true in itself, reason defines the good instrumentally, based upon inferences about the present moment and guesses about the future. Without metaphysics, ethics makes an empire of us, and this is the problem of modernity.

In an essay on William James, Milosz argues counterintuitively that mysticism makes pragmatism possible. Mysticism maintains that the guide to truth is the individual's experience of it. Yet even granting that truth itself can give rise to a personal experience of truth, it does not follow that every such personal experience is brought about by truth itself. One can have the experience and wrongly conclude that one has truth. When people know that others regard internal feelings as the guide to truth, they then set out for their own reasons to generate experiences that others will confuse with the truth.

This endeavor is modern propaganda, a subject Milosz addresses in an essay on André Gide, who until his visit to the Soviet Union in 1936 had been an enthusiast of communism. Gide, wrote Milosz, had "draped a cloak of beauty around the most poisonous and destructive intellectual currents, which prepared a worldwide cataclysm." Without a metaphysics, we are drawn to whoever offers us the most plausible simulacrum of truth. In such a world totalitarians are at a natural advantage, for they are adept at creating an "appropriately reconstructed pragmatism" or indeed "planned animality"—one thinks of Hitler's rehearsals, or of Stalinist denunciations (or, for that matter, of the British tabloid press and Fox News). War then finishes the job, as Milosz argues in a study of Tolstoy's *War and Peace*. War makes the biological perspective appear to be the only plausible one. The ethics of struggle for the immediate good of the group prevail. "To be sure, there is no truth, no beauty, no goodness—but there is German truth, German beauty, and German goodness." The writer makes himself useful to the state by generating plausible myths for popular consumption.

If Milosz was fully aware of the horrors of Stalinism in 1943, why did he offer his services to the postwar Communist regime?

Those who remember Milosz's most famous prose writing will feel a quiver of recognition. *Legends of Modernity* was in many ways a prelude to *The Captive Mind*, Milosz's 1951 study of the attractions of communism to intellectuals. The resemblances between the two books are striking: Each is a series of literary essays, each a search for the sources of totalitarianism, their composition bracketing in time Milosz's collaboration with Stalinism just after the war. The most interesting ideas of each book, as Milosz acknowledges in both, are adaptations of concepts of the Polish painter, philosopher, novelist and dramaturge Stanislaw Ignacy Witkiewicz. The study of Witkiewicz that closes *Legends of Modernity* reads a bit like a first draft of the one that opens *The Captive Mind*. In both books Witkiewicz is credited with formulating the ideas of hypertrophied ethics and totalitarian pragmatism. Here Milosz is appealingly loyal, and indeed deferential, to a great writer, but also to the Polish milieu that nurtured him. When the Red Army invaded Poland in September 1939, Witkiewicz took his own life.

Madeline Levine's translation of *Legends of Modernity*, like the Polish original, includes (as Milosz wished) a final section composed of wartime letters exchanged between Milosz and fellow writer Jerzy Andrzejewski. Here the calm mastery of the essays is gone. Although the level of discourse remains (especially by our standards) preposterously high, Milosz is less sure of himself, and open to his friend's counsel. This Andrzejewski provides, noting where Milosz seems to have fallen prey to legendary thinking. After the war was over, Andrzejewski, previously known as a Catholic novelist, chose to collaborate with Poland's Stalinists. In *The Captive Mind*, Milosz portrays Andrzejewski as a writer wishing to be useful. Having failed to become a sincere Catholic writer in interwar Poland, and having despaired of his wartime ethic of loyalty after the Germans massacred his friends in the underground, Andrzejewski decided to serve the winner. Once the Red Army had driven the Germans from Poland in 1945, this meant the Stalinists. So says Milosz.

"Only a passion for truth," writes Milosz in *The Captive Mind*, could have saved Andrzejewski. It is clear as can be, from the letters published in *Legends of Modernity*, that the two men trusted and loved each other during the war. Yet the essay about Andrzejewski in *The Captive Mind*, written just a few years later, is one of the most pitiless condemnations of one intellectual by another in print. What makes this odd is that the two men did not really part ways politically after the war. Both collaborated with the new power. Milosz went to work for the Stalinist regime as a diplomat in 1945 and repudiated communism only when he defected in 1951. Can the literary use of one friend by another be explained by reference to Milosz's emerging "passion for truth"? Perhaps, insofar as Milosz admits ever so softly that the errors of prewar writers and postwar collaborators were also his own. The literary criticism of both books was also self-criticism, although the places where Milosz says so explicitly are very few. The essay in *Legends of Modernity* about one of his university teachers, in which he treats (his own) generational rebellion as a legend of modernity rather than a human imperative, brings home this sense of remorse. He was sorry once. Then he was sorry again. In both books, though, other writers are made to do the apologizing for him.

What is permanent, Milosz concludes in that essay on his teacher, is the human "metaphysical yearning." This, too, was a bridge to *The Captive Mind*. There Milosz argued that writers in Stalinist Poland are seduced not only because the hypertrophied ethics of totalitarian pragmatism have supplanted a metaphysics of truth but also because they yearn to belong to something. In *Legends of Modernity* Milosz had longed for a new set of "universally binding principles," which both he and Andrzejewski found, after the war, in communism. Modernity claims to have transcended legend; communism replies

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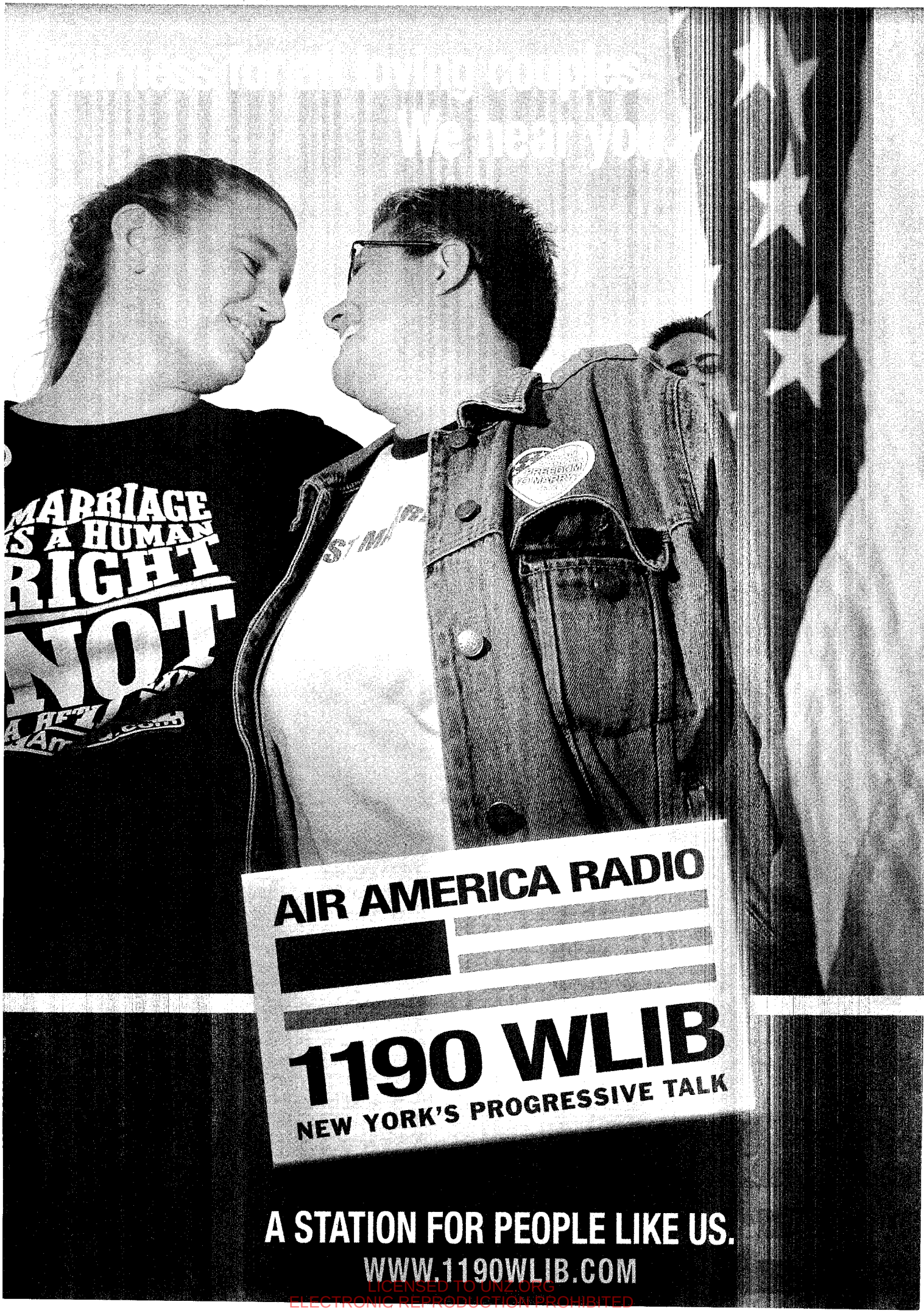

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that the bourgeois period is as infected with self-delusion as the feudal period, but that communism delivers objectivity; *The Captive Mind* defined this conviction as a legend of literati, treating communism itself as a legend of modernity, the victorious one as it appeared at the time. The irony is that Milosz already knew this when he completed *Legends of Modernity*, which was not just anti-Nazi but anticommunist and anti-totalitarian; *The Captive Mind* was a rediscovery and hence a rather similar book. Even after his brush with Stalinism, Milosz retained the capacity to make the master narratives seem slavish.

For the young Milosz during World War II, literary criticism was motivated by his "hope that by destroying the legends he creates about himself, it will be possible to locate the surest footing." Milosz had lost his own footing with the rumble of German and Soviet tanks in 1939, and *Legends of Modernity* helped him find a new fulcrum, at least for a time. After he finished the essays another shock came. Having crushed the uprising of the Polish underground, the Germans destroyed Warsaw in 1944. The city in which Milosz had written his essays, and exchanged letters with Andrzejewski, was burned to the ground, building by building. Then came the Stalinists, who presented themselves amid the ruins as the people who would prevail and rebuild. Having lost their footing again, Milosz and some of his fellow writers went along, at least for a time.

The publication of *Legends of Modernity* at the end of Milosz's life, decades after its composition, has left us to ask what happened to his critical sense between 1944 and 1951. His was a generous parting gesture. Even the best of us can lose our footing in troubled times. The crucial thing is to keep after the truth. ■

Out of Place

EMILY LODISH

HOPE AND OTHER DANGEROUS PURSUITS.
By Laila Lalami. Algonquin Books. 195 pp. $21.95.

In Tangier, Murad spends his days hovering near tourist destinations, whispering "Interested in Paul Bowles?" to foreign passers-by. Murad has a degree in English and doesn't really care for Bowles, but he knows why Americans come to Morocco and how to make a buck or two. It's not much of a life, and it doesn't take much to convince him to board a shoddy inflatable raft bound for Spain across the Strait of Gibraltar. Scanning the anxious expressions on the faces of his fellow passengers in the opening scene of Laila Lalami's collection of stories, *Hope and Other Dangerous Pursuits*, Murad consoles himself: "Some time on this flimsy boat and then a job."

The already risky journey becomes even more dangerously uncertain when the captain reneges on his promise to take the boat safely ashore in Tarifa, ordering everyone overboard and forcing them to swim for their lives. Some make a new life in Spain, while others are immediately deported, and in the eight stories that follow—portraits of the four main characters, told in two sections, "Before" and "After"—Lalami explores the ironies of the diasporic experience. Faten, a deeply religious young woman of 19, becomes a prostitute in Madrid. Aziz returns to Morocco years later, only to discover that he no longer belongs there. Sharing a bed with his wife once again, he feels further away than ever before. With grace and authority, Lalami evokes the unease of men and women adrift, caught between the stagnation of their homeland and the hope of a better life on another shore.

Born and raised in Morocco, Lalami lives in Portland, Oregon, where she edits moorishgirl.com, a blog launched in October 2001 that focuses on fiction in translation and on writers of color, with a particular emphasis on Arab and North African authors. Her native language is Arabic, and she says her first literary language is French. She has written her first book, however, in English. "When I write in English," she says, "I revise and revise and revise."

All this revising serves her well: Lalami distills her stories to their elemental parts. She steeps her characters in their most basic drives, exposed by extreme circumstances and made raw by years of hardship, and she can make a tiny gesture ("he bit his fingernails, tearing strands of cuticle with his teeth") or a snippet of dialogue ("A bit salty, dear") carry great weight. These are quiet yet tough-minded stories: Around their gentle core, the desperation of the characters and the gritty edges of their world resonate forcefully. Often it is in the silences between words that the tensions fester and loss is felt, as much as in the words themselves. Aziz's wife sits on their bed, hugging her knees and crying at the thought of letting her husband go. "You're coming back," she says. Aziz has no reply, and from her tone he cannot tell whether it is a question or a statement. In an earlier story, the image of Faten thrashing about in the Mediterranean, unable to swim, is all the more piercing because we never hear her scream.

Lalami calls herself an "immigrant by chance" writing about "immigrants by choice," and indeed she made her way to the West as a student of linguistics, first in London, then in Los Angeles, rather than by swimming across the sea. Yet as a member of Morocco's growing diaspora, she writes of her own experience as well as that of millions of people in today's world of traveling people, and her familiarity with the lives and struggles of these *harragas* (Moroccan Arabic slang meaning "those who burn") is palpable. If this easy intimacy is her greatest strength, she can be a bit pious in her depictions of these "immigrants by choice," who at times seem too holy to touch, like Halima, who "did not notice the fading afternoon light that lengthened the shadows behind her, framing her body like the arches of a shrine."

Despite the backdrop of economic deprivation, these are not bleak stories. Hope is what drives her characters, although as Lalami's title suggests, it's often a perilous leap of faith, exacting a heavy price. As the book comes to a close, Murad—having been sent back to Morocco by the Spanish authorities—helps a couple of snooty Americans in a gift shop and stumbles upon the realization that by living only in the hopes of a brighter future, he was losing his past: "He wondered if one always had to sacrifice the past for the future, or if it was something he had done, something peculiar to him, an inability to fill himself with too much, so that for every new bit of imagined future, he had to forsake a tangible past."

Finally able to express what could be Lalami's or another émigré's sense of loss, longing for a country he didn't even know he'd left behind, Murad discovers the urge to write. Renewed, he can think only of the story he will begin tonight—one no doubt full of possibility, though unresolved. ■

Emily Lodish is a Nation *intern.*

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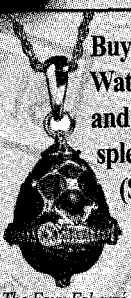

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FILMS

A History of Violence

STUART KLAWANS

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In the past, even when Steven Spielberg has concluded a film with a robot boy cuddling up to a corpse, he has pretended to offer a happy ending. He has set his goodbyes in cemeteries—in *Schindler's List* and *Saving Private Ryan*—only to strike a note of fellowship and reconciliation. Just this past summer, he treated the incineration of the entire world as mere prelude to a family hug.

So we might pay attention to Spielberg's *Munich* just because it ends on the word "no," spoken as former colleagues abandon each other on a deserted playground. A chill seems to rise from the choppy river that runs nearby, separating the men from the backdrop of a quietly ominous Manhattan. Their work has cut them off from common humanity, leaving them friendless amid rusted jungle gyms and bare trees, in a place that children have forgotten.

This is some ending for a Spielberg movie, or for that matter any spy thriller, the genre to which *Munich* contributes a crackling example. Outwardly a movie of hardware and logistics, *Munich* takes you step by step through Israel's reprisals for the 1972 massacre at the Munich Olympics. As you would expect from Spielberg, the scale is large, the pace unflagging, the details hypnotically fascinating. But *Munich* is also about the reprisals for the reprisals. ("We're in dialogue now," comments a Mossad officer, with evident satisfaction, after a Palestinian bombing in London answers an Israeli bombing in Paris.) As the spiral of violence swirls downward, *Munich* becomes more and more a movie not of how-to but of loss, sorrow, futility and trepidation—which is to say, it's a first-rate spy thriller with a soul. The unhappy ending is striking for Spielberg, but it flows into the last scene as inevitably as the river itself.

The screenplay, credited to Tony Kushner and Eric Roth, moves quickly from re-creation to dramatization: first the hostage-taking and slaughter in Munich, then the recruitment of young Avner (Eric Bana) to lead a team of Israeli assassins. But "recruitment" may be the wrong word. Although Avner is a grown man, with a regular job and pregnant wife, his elders summon him like a boy. They remind him continually that they knew his father; they demand that he accept an assignment on the basis of blind obedience; they casually strip him of all professional status, so he's reduced to the condition of a kid just starting out in the world; they pay him and his undercover team as if doling out an allowance, and insist on getting receipts: "Whatever you're doing, someone else is paying for it."

Avner is so much in shock at the events in Munich—or, perhaps, is so used to being patronized—that he scarcely registers this treatment. In fact, he seems to think his new assignment confirms him as a paterfamilias. He believes he's acting to protect his wife and unborn child; he also behaves like a parent to his assassination team, briefing them over big meals he has cooked himself. But as the shootings and bombings multiply, along with their collateral carnage—Spielberg's direction is meticulous, but the assassins' operations are not—Avner comes to doubt not only the purpose of his mission but also the nature of his most basic relationships, with his elders, his family, his country.

I should now go on to apologize to Eric Bana, an actor I have previously misrepresented as a modern-day Victor Mature. Who would have known, from *The Hulk* and *Troy*, that Bana could so movingly play both sides of Avner's nature, as a man with "a gentle soul and butcher's hands"? Bana shows you how Avner shrugs off the urge to think about his actions, meanwhile registering an intelligence that won't be put off forever. When forced, through a kind of practical joke, to enter into debate with a Palestinian militant, Bana's Avner grows so angry that he almost blows his cover—and part of the reason he's so wild-eyed, you sense, is that he can't entirely shut out what he's hearing.

The image I have just assembled, of Avner and the movie he lives in, is a false one, of course, made by ripping details out of their natural places and collaging them onto a single spot, where they become as exaggerated as a caricature. But I, too, have a purpose in my violence. I want to emphasize that *Munich* has the internal coherence of a work of art. Its politics are inseparable from its narrative themes, its characterizations, even its performances.

This is a point that the film's enemies—the usual gang of hacks, sophists and hirelings—have done their best to ignore. They see that Israeli strongman tactics (and by implication the current Bush war) accomplish nothing in *Munich*, other than to heap misery upon misery; and they interpret this dramatic outcome as if it were a bald political statement, which they condemn. I, on the other hand, applaud *Munich* as a political statement, while recognizing that the film wasn't set up to secure votes, or signatures on petitions, or even cash contributions (other than those made at the box office).

What *Munich* elicits is pity and terror.

Despite the obvious precedent of Andy Warhol's *Lonesome Cowboys*, and many other westerns that were less explicit and jokey, *Brokeback Mountain* has unmistakably established a new screen archetype. This is no small achievement. When asked what can happen in the movies, you might think of the Little Tramp kicking up his heels, Rhett cradling Scarlett in his arms, Marilyn playing with her skirt over a subway grate, the big ape carrying a blonde up the Empire State Building (see below). To this limited store of images, we may now add another: Heath Ledger as Ennis and Jake Gyllenhaal as Jack, necking rapturously behind a laundromat in Riverton, Wyoming.

Based on a story by Annie Proulx, written for the screen by Larry McMurtry and Diana Ossana and directed with masterful assurance by Ang Lee, *Brokeback Mountain* narrates twenty years of love, secrecy and frustration in the lives of a pair of modern westerners. They meet as dirt-poor teenagers in 1963, when they hire on to guard a herd of sheep high up in the mountains; and they part for the last time two decades later, having lived for those few days each year when they can steal away on the "fishing trips" that don't fool their wives.

It's a rudimentary story, dominated by time lost and events that didn't happen; and one of its two main characters is so inward that he can scarcely bring himself to speak, or even look at people. So the challenge in making *Brokeback Mountain* was to create and sustain a mood in all its nuances, working from stuff that's as thin as the mountain

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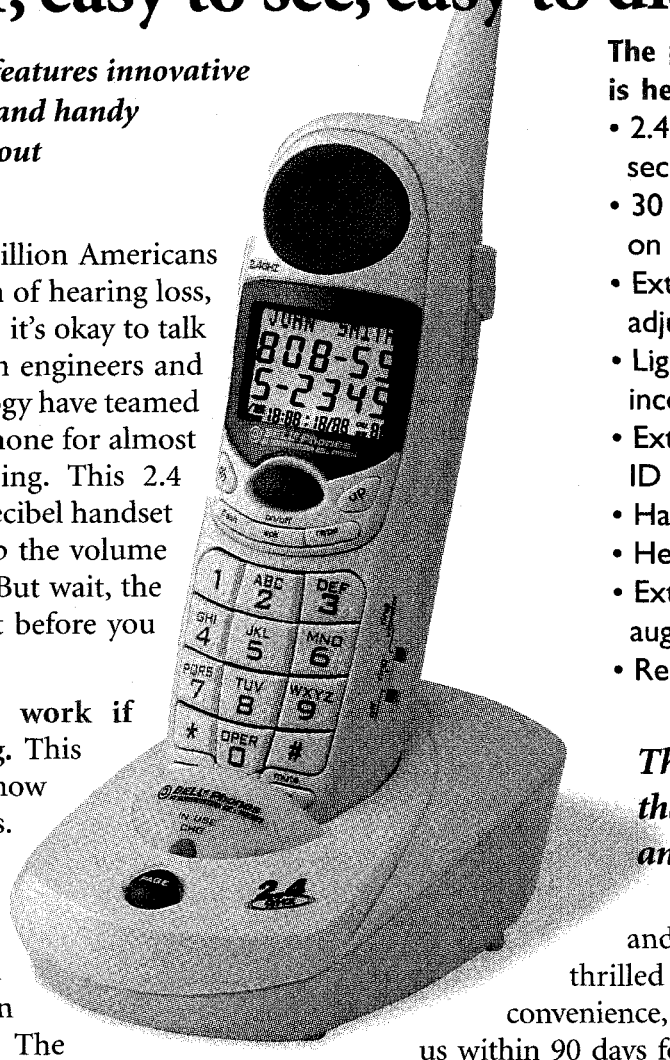

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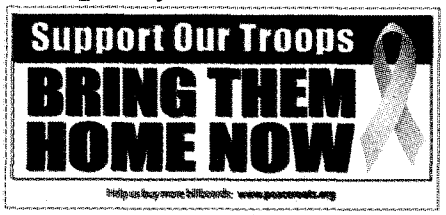

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air. I suppose another director might have dealt with this problem by inventing all sorts of complications, dramatic or stylistic. Ang Lee chose simplicity as the more difficult but satisfying solution.

He composed the film using big, basic contrasts. When Ennis and Jack are together and happy, you see them outdoors, in the most gorgeous natural settings imaginable. (The pictures, by Rodrigo Prieto, are so extraordinary that they almost justify the habits of award voters, who traditionally give cinematography prizes to Best Landscape.) When Ennis and Jack are apart and unhappy, you see them indoors, cramped in unlovely quarters. The contrasts between the two men are similarly bold. Ennis is light-haired, square-faced, mush-mouthed, stolid; Jack is dark-haired, long-faced, talkative, impatient.

So the scheme of the film was made as elemental as the characters themselves—and as open to depths of feeling. Having eliminated all clutter, Ang Lee could allow two extraordinary actors ample time (and unforgettable space) in which to develop an emotional interplay that is all but unknown in today's movies, and that carries you right through *Brokeback Mountain*.

Another new archetype for the screen, this one so basic that it doesn't even include actors: the closing shot of *Brokeback Mountain*, which cuts the screen in half. On the right, glimpsed through a mobile home's window, is a patch of western landscape. On the left is a shadowy closet—a shrine, actually—holding a lover's relic. Nothing could be simpler. Nothing could say more.

Why did Woody Allen choose to make a contemporary version of *An American Tragedy*, and why did he set it in London with an Irish-born tennis pro as the protagonist? The answers to those questions still elude me, weeks after seeing *Match Point*. Is there no social climbing in the United States today, no lust, no heartless crime? Is there no opera, for that matter? (Another departure for Allen: the use of Donizetti and Verdi on the soundtrack, rather than Bechet and Ellington.) I can see that Allen might have wanted a break from his routine, but I don't understand the relevance of his decisions to anyone but himself—and to anyone who might want to watch his most absorbing picture in years.

There is much to puzzle over in the movie, including an unelaborated gay subtext thick enough to have added another hour to *Brokeback Mountain*. But from the moment Jonathan Rhys Meyers, as the ten-

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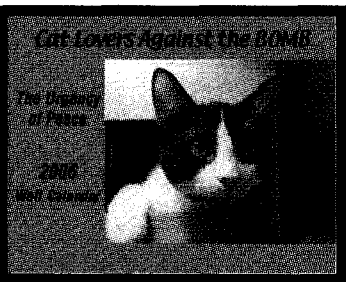

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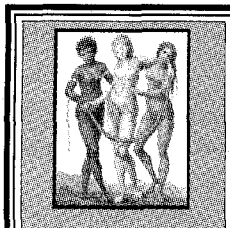

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nis pro, walks in on Scarlett Johansson as a tough-talking, Ping-Pong playing American, *Match Point* has a dirty-minded energy that just won't be stopped. "You've got a sensuous mouth," the observant Rhys Meyers says, more or less by way of hello. "So do you," Johansson might have replied—not that it matters. Her response is tawdry enough; and the doom that blossoms from it deserves to be called sensuous, too.

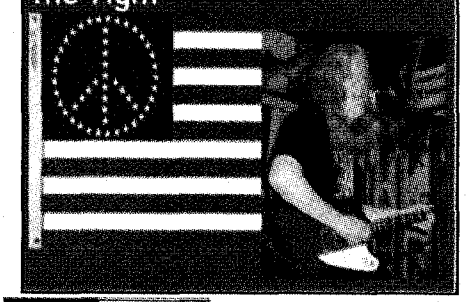
The holiday movie season that began with the *Narnia* lion has reached its climax with the giant ape—and you can guess which beast I'm rooting for.

Writer-director Peter Jackson, relaxing after *The Lord of the Rings,* has slacked off by making a *King Kong* that runs a mere three hours, involves only a dozen or so major characters (plus uncounted extras) and deploys just enough special effects to rebuild 1930s Manhattan, with an entire prehistoric world thrown in. Jackson knows he cannot re-create the meaning of the original but only reflect upon it. (If he keeps the Empire State Building, he uses something that is now an icon of nostalgia, not modernity. If he decides instead to go contemporary and have Kong scale the Petronas Towers, he makes too telling a comment on our distance from the era of Merian Cooper.) So, not trying too hard, Jackson has retold *King Kong* as a Depression-era story, but with improvements. If Cooper had Kong wrestle a dinosaur, Jackson must have him fight three—while caught midair in a tangle of vines, juggling Naomi Watts.

She's so splendid, by the way, that she upstages the special effects, as Jackson would have wanted. Her talent, and the soulfulness of Kong (animated on the model of Andy Serkis), make this a movie fit for adult audiences.

Well, that and the mammoth carnivorous worms. ■

Patriot Act Blues
Howard Glazer rocks against the right



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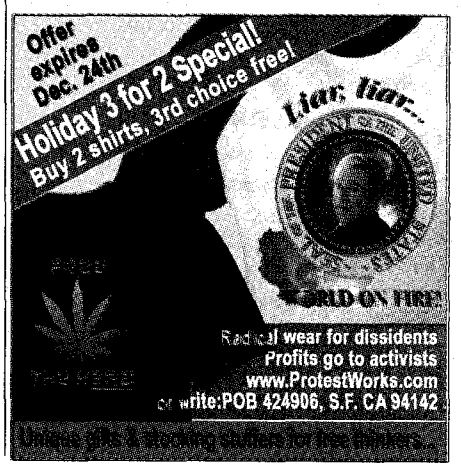

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LETTERS
CONTINUED

(Continued From Page 2)

book *Are Men Necessary* ["Subject to Debate," Nov. 28]. Having received the book as a birthday present, I delved into it only to discover with horror Dowd's proclamation that not only are feminism and success destined to keep women single but that as a result women are flocking en masse back to the pearls of 1950s wisdom they had once avoided. I am in my mid-20s, fully aware of the sexual perils, contradictions and seemingly backward progress that women my age and younger face. Yet Dowd's musings on the doomed nature of strong-willed women made me look at my feminist, Planned Parenthood–volunteering boyfriend as a tenuous happenstance, and I half-expected him to morph into Mr. Hyde the minute I stepped too far forward. Thank you, Katha, for reminding me of the rest of the story, and for highlighting the progress that we as women have made, and that men have made as well.

ERICA SACKIN

Chester, Conn.

■ I thank Katha Pollitt for her column on Maureen Dowd. I don't think Dowd has much access to real women in the real world who are just living the advances made in the past thirty years without thinking too much about it. (Of course, there *is* a long way to go.)

LAURIE GIEMZA

HAPPY HOLIDAYS!

Baltimore

■ With apologies to Mel Torme, my song, inspired by your December 26 Torture Issue:

Chest hairs toasting on an open wire,
Jack knife cutting off a nose.
Cheney's torturers, just guns for the hire,
Leave folks depressed and lachrymose.
Everybody knows, this jerk cares not just where his missile goes,
With his reason gone, he's not too bright.
But hatching plots, with no evidence to show
Makes it hard to sleep at night.
'Cause he knows that Santa's in his sleigh,
And it would blow up if Saddam were still in play,
And every Democrat is gonna try
To blame him if a war makes people die.
And so he's offering this simple phrase
To Moslem, atheist and Jew:
Come Christmastime there can be no other way,
All will be Christian, including you.

DANIEL FLEISHER

EMENDATION

■ In his December 26 "Beat the Devil" column, Alexander Cockburn quoted Alex Constantine on the topic of the CIA and its connection with journalists. Constantine's comments are not from a book, as the column suggested, but were part of a web posting under the same name, which can be found at www.whatreallyhappened.com/RANCHO/POLITICS/MOCK/mockingbird.html.

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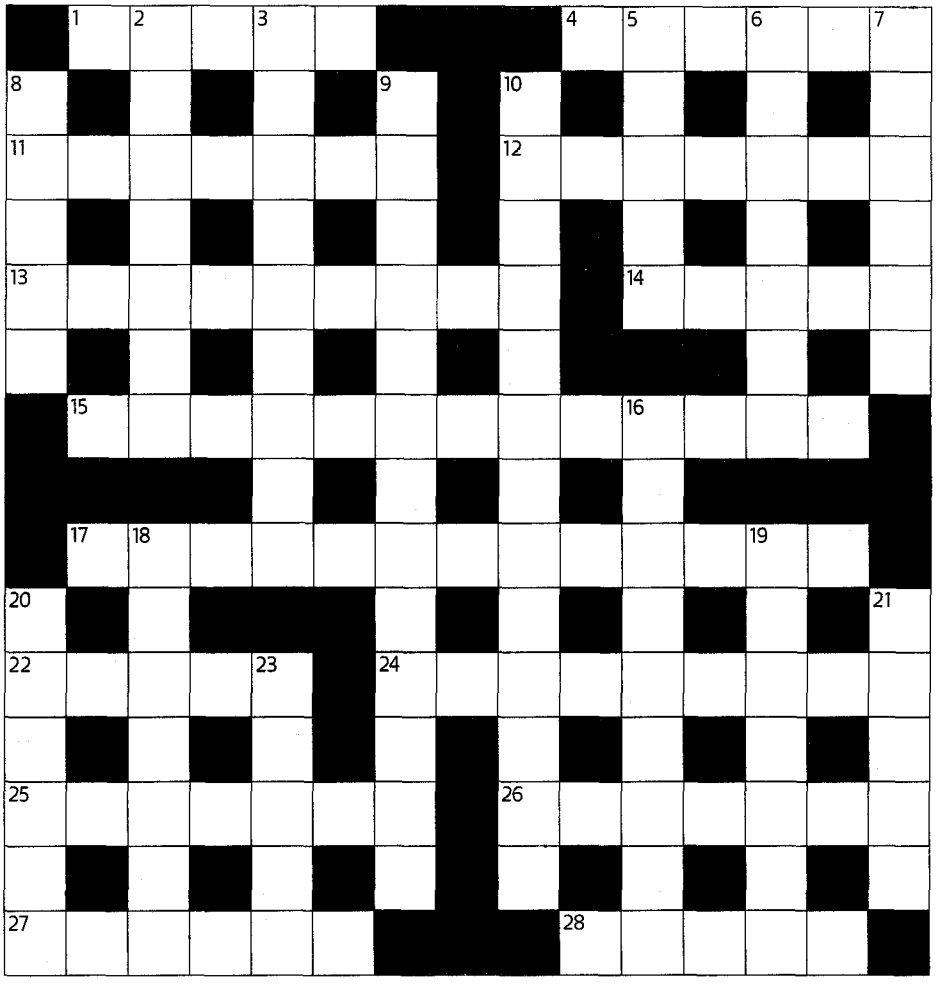

ACROSS

4 and **1** A large proportion of the people get 100, with the highland girl returning somewhat stupid and led astray. (6,5)

11 The renaissance of Johnny during the Civil War getting hit badly, which is about right! (7)

12 To enter uninvited can in confusion end up quite impolite. (7)

13 The guy with his hand hidden in his coat, quite distinct from the skeletal component around it. (9)

14 The brilliance of the clattering is obvious! (5)

15 You don't object when the dentist causes it, but it's a rather rude characteristic. (13)

17 What takes one to the moon proves the black nonamateur that loses direction and gains ten to a point. (3,10)

22 Old weapons perhaps came to a point this way. (5)

24 It's legally wrong to get sick like this, but eating them shouldn't hurt you. (9)

25 Dressed more "fit to kill," which brings light brown back with a row. (7)

26 It shows a green streak, possibly vain, having a nice time in Paris. (7)

27 See 5 down

28 There seems to be a point to old John, the English writer, acting so deceitfully. (5)

DOWN

2 The French embargo on a foreign country? (7)

3 A fight commonly has a good deal to put on the junk pile. (5,4)

5 and **27** across Where one has control, offering a sort of hint, which has a point, and another—just to confuse you! (2,3,6)

6 Something they used to wear—as the "better letter" shows more than once. (7)

7 Wrongly select what the public does to the President periodically. (6)

8 Even some babies have such help in solving certain puzzles. (5)

9 This offers two points about musical instruments. (Such as owls and these people should aim to succeed.) (5-8)

10 Show the way to the Jet Stream? It's a continuous one-way flow. (6,7)

16 Describing the unused part of the little bottle with its GE contents, perhaps. (9)

18 Left with a number inside that gets you all fired up. (7)

19 Such direction might tell you to provide plenty of lubrication for what supplies motivation for many people. (3,4)

20 The morning is over, but they're made when you make up. (6)

21 They are said to go to themselves when passing, but prove she's a real mess! (5)

23 Isn't this quiet yet? (5)

SOLUTION TO PUZZLE NO. 3016

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Arabian Fables (I)

How the Arabs soften up world opinion with fanciful myths.

Josef Goebbels, the infamous propaganda minister of the Nazis, had it right. Just tell people big lies often enough and they will believe them. The Arabs have learned that lesson well. They have swayed world opinion by endlessly repeating myths and lies that have no basis in fact.

What are some of these myths?

The "Palestinians." That is the fundamental myth. The reality is that the concept of "Palestinians" is one that did not exist until about 1948, when the Arab inhabitants of what until then was Palestine, wished to differentiate themselves from the Jews. Until then, the Jews were the Palestinians. There was the Palestinian Brigade of Jewish volunteers in the British World War II Army (at a time when the Palestinian Arabs were in Berlin hatching plans with Adolf Hitler for world conquest and how to kill all the Jews); there was the Palestinian Symphony Orchestra (all Jews, of course); there was *The Palestine Post*, and so much more.

> "The web of lies and myths that the Arab propaganda machine has created plays an important role in the unrelenting quest to destroy the State of Israel. What a shame that the world has accepted most of it!"

The Arabs, who now call themselves "Palestinians," do so in order to persuade a misinformed world that they are a distinct nationality and that "Palestine" is their ancestral homeland. But, of course, they are no distinct nationality at all. They are entirely the same — in language, customs, and tribal ties — as the Arabs of Syria, Jordan, and beyond. There is no more difference between the "Palestinians" and the other Arabs of those countries than there is between, say, the citizens of Minnesota and of Wisconsin.

What's more, many of the "Palestinians," or their immediate ancestors, came to the area attracted by the prosperity created by the Jews, in what previously had been pretty much of a wasteland.

The nationhood of the "Palestinians" is a myth.

The "West Bank." Again, this is a concept that did not exist until 1948, when the army of the Kingdom of Transjordan, together with five other Arab armies, invaded the Jewish state of Israel, on the very day of its creation.

In what can almost be described as a Biblical miracle, the ragtag Jewish forces defeated the combined Arab might. But Transjordan stayed in possession of the territories of Judea and Samaria and part of the city of Jerusalem. The Jordanians promptly expelled all Jews from the area that they occupied, destroyed all Jewish institutions and houses of worship, used Jewish cemetery headstones to build military latrines, and renamed as "West Bank" what had been Judea and Samaria since time immemorial.

The attempt, quite successful, was to persuade an uninformed world that these territories were ancestral parts of the Jordanian Arab Kingdom (itself a very recent creation of British power diplomacy). Even after the total rout of the Arabs in the 1967 Six-Day War, in which the Jordanians were driven out of Judea/Samaria and of Jerusalem, they and the world continued to call this territory the "West Bank", a geographical concept that cannot be found on any except the most recent maps.

The concept of the "West Bank" is a myth.

The "Occupied Territories." After the victorious Six-Day War, during which the Israeli army defeated the same cabal of Arabs that had invaded the country in 1948, Israel remained in possession of Judea/Samaria (now renamed "West Bank"), which the Jordanians had illegally occupied for 19 years; of the Gaza strip, which had been occupied by the Egyptians but which (hundreds of miles from Egypt proper) had never been part of their country; and of the Golan Heights, a plateau of about 400 square miles, which, though originally part of Palestine, had been ceded to Syria by British-French agreement.

The last sovereign in Judea/Samaria and in Gaza was the British mandatory power — and before it was the Ottoman Empire. All of Palestine, including what is now the Kingdom of Jordan, was, by the Balfour Declaration, destined to be the Jewish National Home. How then could the Israelis be "occupiers" in their own territory? Who would be the sovereign and who the rightful inhabitants?

The concept of "occupied territories" in reference to Judea/Samaria (often called the "West Bank") and Gaza is another of the many myths created by Arab propaganda.

Unable so far to destroy Israel on the battlefield — though they are feverishly preparing for their next assault — the Arabs are now trying to overcome and destroy Israel by their acknowledged "policy of stages". That policy is to get as much land as possible carved out of Israel "by peaceful and diplomatic" means, so as to make Israel indefensible and softened up for the final assault. The web of lies and myths that the Arab propaganda machine has created plays an important role in the unrelenting quest to destroy the State of Israel. What a shame that the world has accepted most of it!

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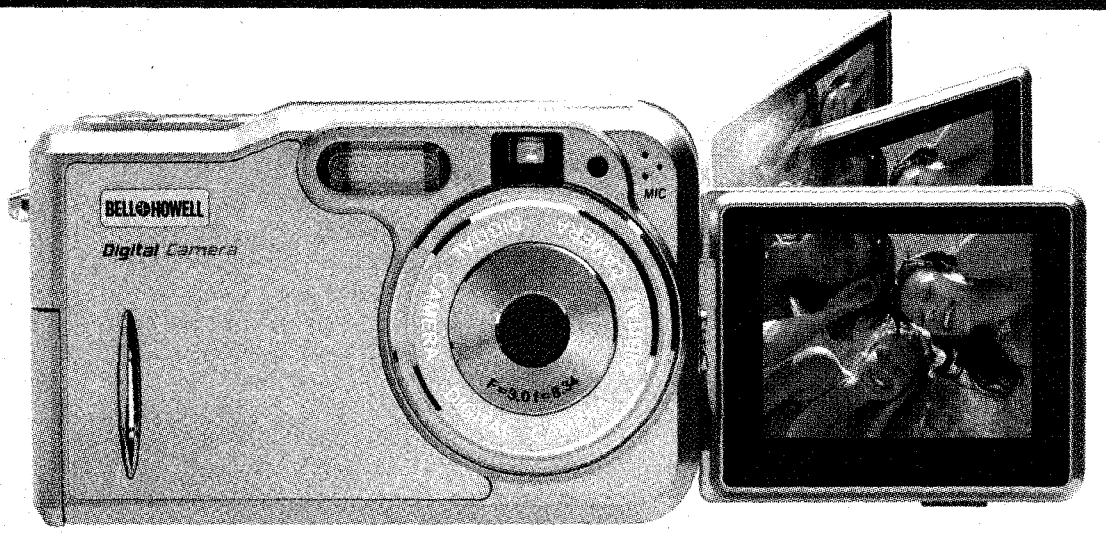

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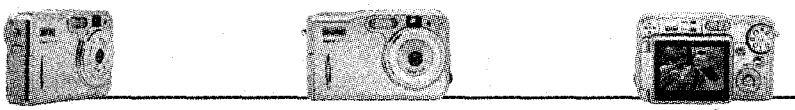

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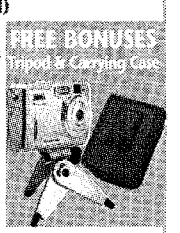

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